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No. 26

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. INSLEE).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 12, 2007.

I hereby appoint the Honorable JAY INSLEE to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIRES) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Divine Architect of history, the birthday of Abraham Lincoln is a moment to not only hear his voice echoed in countless prayers of people the world over, now is the time for this Nation to touch his spirit, for we are caught up again in the lingering debate of war and peace.

Perhaps, Lord, the wordsmith Carl Sandburg best describes our debility and Lincoln's vision for us when he writes:

"Decreed beyond any but far imagining of its going asunder was Lincoln's mystic dream of the Union of States achieved. Beyond all the hate or corruption or mocking fantasies of democracy that might live as an aftermath of the war were assurances of long-time conditions for healing, for rebuilding, for new growth.

"As a result flowing from the war, the United States was to take its place among nations counted world powers . . . and as a world power, the expectation was it would be a voice of the teachings of Washington, Jefferson, Jackson, and Lincoln speaking for a republican government, for democracy, for institutions 'of the people, by the people, for the people.'

"Though there might come betrayals and false pretenses, the war had put some manner of seal on human rights and dignity in contrast with property rights, and even the very definition of property . . .

"Out of the smoke and stench, out of the music and violet dreams of the war, Lincoln stood perhaps taller than any other of the many great heroes. None threw a longer shadow than he. And to him the great hero was the People. He could not say too often that he was merely their instrument."

Lord God, in our own day, take us beyond the hate and mocking fantasies. Hammer out renewed commitments for healing, for rebuilding and for new growth. Make today's government an instrument of Your people, that we may take our rightful place among the nations as a world power, which is wit-

ness to human rights and dignity for all Your people. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### THE SIGN MUST STAY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. "This Is America. When Ordering, Please Speak English." This sign is located in the window of Geno's Restaurant, tourist landmark for the famous Philly cheese steak.

Philadelphia's Commission on Human Relations has been ordering its owner, Joe Vento, to take down the sign, however. They have even suggested that he hire Spanish-speaking employees to help communicate. But Joe is not giving in to the bureaucrats. Vento says that Geno's will serve and his staff will help out customers who don't speak English, but the sign is staying.

Joe Vento is of Italian descent. His grandparents came from Italy. They were proud of their American citizenship and quickly learned English. But

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H1425

now the Commission on Human Relations is taking legal action against Vento, charging him with discrimination simply for asking his customers to speak English.

No business owner should be forced to hire a whole gauntlet of foreign-speaking translators because of individuals who feel they won't learn our language. Individuals who come here need to understand that this country is not Mexico, France, Korea or the Middle East. This is America, and English is spoken here.

And that's just the way it is.

#### PREMATURE WITHDRAWAL FROM IRAQ WILL ENDANGER U.S.

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, sadly, many people try to separate the current Iraq conflict from the attacks of September 11 and the Global War on Terrorism; it is impossible to do so. The attacks of September 11 were not isolated, random events. Al Qaeda has openly stated Iraq is the central front in the war on terror. And our enemy is highly intelligent, well financed and committed to the destruction of freedoms.

The concept that America's retreat in Iraq will bring an end to sectarian violence and terrorist activity in the region ignores history. Premature retreat will embolden the enemy and make us more vulnerable to attacks. Withdrawals from Beirut and Mogadishu led to the 1993 World Trade Center attack, the 1998 embassy bombings across Africa, the 2000 bombing of the USS *Cole*, and then September 11. Osama bin Laden has characterized the struggle in Iraq as the third world war. We ignore this claim at our peril, which threatens American families.

In conclusion, God bless our troops, and we will never forget September 11.

#### SUPPORTING THE IRAQ MISSION

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, this week we will debate a non-binding resolution that will do nothing more than undermine the mission in Iraq, weaken the morale of our troops, and embolden our enemy.

No doubt mistakes have been made in the battle with Iraq. With every war mistakes are made. The question before us is, Are we going to learn from the mistakes and correct them and move forward with a plan of success, or are we going to retreat in defeat?

Mr. Speaker, the terrorists themselves believe Iraq is a central front in the war on terror. Al Zawahiri, al Qaeda's deputy leader, has repeatedly said Iraq and Afghanistan are the "two most crucial fields" in the Islamists' war. A policy of retreat and defeat

would result in pervasive instability and embolden radical Islamist terrorists and rogue regimes to expand new areas in the region.

Mr. Speaker, the stakes are real and they are high. And the American people deserve leadership, not partisan politics. I will continue to support our troops by continuing to support their mission.

#### WE MUST WIN THE BATTLE OF IDEAS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, as a member of the Victory in Iraq Caucus, I continue to stand and support our troops. I feel it is imperative that we continue to strongly speak out in favor of the efforts that our troops are carrying out against terrorism, not only in Iraq, but in 30 different countries around the globe.

The terrorists tell us, just as my colleague said, that Iraq is the central battle in the war on terror. War is not quick, and it is not painless. It is up to us here in the people's House to continue to support the troops and to be behind their efforts, funding them 100 percent of the way.

In order to win, Mr. Speaker, we must not only succeed on the battlefield; we must win in the battle of ideas. We must win the civic and economic battles with the Iraqi people. They are as critical as any firefight that they face every day.

The idea of freedom and prosperity is a powerful idea. Our coalition is breathing life into that idea with the Iraqi people. We need to stand firm, fund our troops, support our men and women in harm's way.

#### PROCESS IN THE HOUSE OF REPRESENTATIVES

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, it is not good to talk process in the House of Representatives. I keep hearing that. But when the process that you are talking about is the execution of our right in a democratic society to speak and make a difference, then it is necessary to speak on process.

Mr. Speaker, this week we will spend 4 days on the Iraq resolution. I say "the" Iraq resolution because it has already been crafted by Speaker PELOSI; it already is a final product. The only thing left to do is in fact to vote on it because we will not be allowed to amend it; the rule will be a closed rule. Democracy and speech and debate will not in fact change anything. The final vote will be exactly at the end of the week where it was at the beginning. That is wrong. Republicans never did that when we held the Speaker's gavel.

Democrats should not do that as they hold the Speaker's gavel.

The right to amend and the right to debate that leads to a better bill is a right of this democracy, and this body has been reduced by the taking of that right.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### RECOGNIZING AND HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 134) recognizing and honoring the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation.

The Clerk read as follows:

H. RES. 134

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marked its 4th anniversary on January 24, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to prepare the Nation to counter acts of terrorism, natural disasters, and other emergencies;

Whereas the Department's employees work diligently to deter, detect, and prevent acts of terrorism;

Whereas the Department's employees stand willing, ready, and able to respond if catastrophe strikes;

Whereas the Department's employees support the Department's mission to protect continuously the Nation's borders, airports, seaports, rail lines, and other transit systems;

Whereas the Department's employees, together with employees of other agencies and departments of the Federal Government, work with State, local, and tribal partners to enhance disaster preparedness at all levels of government;

Whereas the Department's employees are called upon to sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their efforts and contributions: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and honors the employees of the Department of Homeland Security for their exceptional efforts and contributions to protect and secure the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

## GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material on the bill into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. Mr. Speaker, I yield myself such time as I may consume.

Just over 5 years ago, September 11 redefined our national security needs. With the loss of thousands of innocent lives at the World Trade Center, the Pentagon and in my home State of Pennsylvania, national leaders realized that the Federal Government needed the ability to better protect the United States from any and all threats, foreign or domestic, natural or man-made. And while emergency management agencies displayed resilience in the aftermath of 9/11, it was clear we needed an organization that could coordinate their efforts. We needed a single agency with the ability to prevent another 9/11 and to respond, if need be, to natural or man-made disasters.

To answer this call, Congress passed the Homeland Security Act of 2002 creating the Department of Homeland Security. In the largest reorganization of the Federal Government since the formation of the Department of Defense six decades ago, the Department of Homeland Security was tasked with the Herculean responsibility of coordinating with State, local and tribal entities to prevent future terrorist attacks, to secure our borders and to prepare for and respond to events of national significance.

Comprised of 22 different Federal agencies and employing over 208,000 of our finest Federal employees, DHS has become one of the largest Federal departments. Twenty-four hours a day, 7 days a week, 365 days a year, employees from the Department of Homeland Security are working to prevent and prepare for any threats to our country. They are patrolling our skies, securing our borders, sailing our coastal waters and screening people and cargo entering our country. They are also working with State and local governments and first responders in all 50 States and our territories to ensure we can respond to any future large-scale events, either man-made or natural.

□ 1415

These dedicated Homeland Security employees are working tirelessly to improve the safety of all Americans and are doing a job that we must commend.

Recently, the Office of Personnel Management released the results of the 2006 Federal Human Capital Survey, a review of how Federal employees feel about their work. Many Americans may not have heard about this survey or its findings, but they are significant.

DHS employees expressed frustration over a number of issues, most notably the management of the agency. These rank-and-file workers, on the front lines day after day, feel they are not being managed in the most effective manner possible. This disconnect between management and the line officers of the department is very disturbing to a number of us here in Congress. We must work to resolve these issues.

The last thing we need is for the morale problems of the Department of Homeland Security to hamper the duties of those front-line employees. As a former first responder myself, I know how important it is to have trust and faith in your management. While there was certainly shocking failures at the management levels of the Federal Emergency Management Agency in the Hurricane Katrina response, there is a good example; that is, the United States Coast Guard which is part of the DHS. It covered itself in glory by performing one of its most vital and successful missions since its creation. Over 20,000 gulf coast residents were rescued by the devoted men and women of the Coast Guard.

Tens of thousands of other line officers under the purview of the DHS have been doing a thankless job for the last 4 years as well. Our Nation must remain vigilant against all threats to the homeland, against acts of terrorism and natural disasters.

Department of Homeland Security employees stand willing, ready and able to respond should catastrophe strike. They work long hours to detect, and prevent acts of terrorism against the homeland. They can be sure that during this Congress and beyond, my colleagues and I will maintain oversight of the management of Homeland Security, but I cannot stress enough how we truly appreciate the work of the DHS employees who are working tirelessly to protect the safety of all Americans.

On January 24, the Department of Homeland Security marked its fourth anniversary. In light of this anniversary, it is fitting and appropriate for the House of Representatives to take a moment to honor the employees.

I would also like to take a moment to note that Mr. ROGERS of Alabama, the ranking member on the Subcommittee on Management, Investigations, and Oversight, wanted to be here as well. He is currently out of town on a codel, but he stands with me in honoring the employees of the Department of Homeland Security.

Mr. Speaker, I encourage my colleagues to unanimously adopt House Resolution 134 in honoring the employees of the Department of Homeland Security.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 134, which honors and recognizes

the contributions the employees of the Department of Homeland Security make to our country's safety and security.

I am pleased to be an original cosponsor of this resolution with my Homeland Security colleague, CHRISTOPHER CARNEY, who chairs the Management, Investigations and Oversight Subcommittee. I also want to acknowledge other original cosponsors, including my subcommittee ranking member, MIKE ROGERS, full committee chairman BENNIE THOMPSON, and full committee ranking member PETER KING, a man who has worked on Homeland Security issues, and I greatly admire his work.

Mr. Speaker, I am pleased to help bring this resolution to the floor today because I think that DHS employees are too often overlooked and underappreciated, and unfairly criticized in most cases despite their most dedicated and earnest efforts to do their job, which they do very well.

Mr. Speaker, I believe that they have been tasked with an almost impossible job, I think you will agree, and am confident that DHS employees are doing the very best they can under some extraordinary, difficult circumstances.

I was, however, particularly disappointed to learn, as the recent survey shows, that the morale of the department is low, and that DHS employees have less job satisfaction than any other group of Federal employees. That is not good to see. I have heard that the department's employees are concerned that they do not have the resources to do their jobs effectively, that they are not promoted based on merit, that creativity and innovation are not properly rewarded, and, perhaps most troubling, most of them do not believe that they have access to adequate information about what is happening in their department.

This needs to change, as far as I am concerned. I am heartened that department secretary, Michael Jackson, has told DHS employees, "Starting at the top, the leadership team across DHS is committed to address the underlying reason for DHS employee dissatisfaction and suggestions for improvement."

I also commend DHS Secretary, Michael Chertoff, in comments before our committee last week for acknowledging the problem and promising to fix it. I believe it is imperative to the security of our homeland that the dedicated men and women who carry out the directives and policies that Congress puts forward feel good about themselves and the jobs that they are doing so they can best achieve the very noble goals toward which they are working.

It should be proud of the work the more than 200,000 employees at DHS work tirelessly to help prevent and respond to acts of terrorism, natural disasters and other emergencies. I think Secretary Chertoff's directive to the Homeland Security Advisory Council to establish a culture task force to respond on ways to empower, energize,

and create a more mission-focused culture within DHS and among its Federal, State and local partners was a good first step.

I would say, however, that the answers lie not in creating more bureaucracy but in streamlining and better defining the mission of DHS headquarters and allowing its component organizations to use their particular talents and expertise to accomplish their individual mission in as efficient, creative, and innovative manner as possible.

I also believe we must acknowledge the role that Congress has played and will continue to play in the ultimate success or failure of the department in accomplishing its mission of defending America and saving lives. We in this body must be sensitive to the demands and mandates that we place on DHS employees in the conduct of the war.

I think we can all agree that an overwhelming majority of DHS employees are hardworking, as I said. They are dedicated and hardworking individuals who are personally committed to keeping us, our families, our country secure from terrorist attacks and other disasters that could befall this great Nation.

We must remember, however, that decentralized congressional jurisdiction over Homeland Security issues and the desire to provide proper oversight often makes it difficult for them to do their job. I hope that, especially as members of the Homeland Security Committee, we do not unintentionally make their jobs more difficult in our desire to do our jobs.

I want to thank full committee chairman BENNIE THOMPSON, ranking member PETER KING, subcommittee chairman CHRIS CARNEY, and subcommittee ranking member MIKE ROGERS for bringing this resolution to the floor today.

I urge all of my colleagues to support this resolution and recognize the contributions DHS employees make to protect and secure our Nation. They should know that we understand the daily challenges they face and appreciate the dedication and hard work, the professionalism which they embody, and they conduct themselves in a fine manner.

Mr. Speaker, I reserve the balance of my time.

Mr. CARNEY. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, as a member of the Committee on Homeland Security, I rise in strong support of H. Res. 134. This resolution recognizes and honors the employees of the Department of Homeland Security for their exceptional efforts and contributions to protect and secure the Nation.

Since the creation of the Department of Homeland Security 4 years ago, the department has made significant steps in ensuring the safety of the American people, specifically with regard to pre-

paring, equipping and training our first responders, protecting our skies, and securing our borders and ports.

In my home State of Washington, we have almost 2,000 people working for the Department of Homeland Security, including 178 members of the Coast Guard, 337 Immigration employees and Custom Enforcement officers, and 1,282 Transportation Security Administration employees. Many of these men and women put their lives on the line every day to ensure that another 9/11 attack does not occur.

In addition to protecting us from another terrorist attack, the Department of Homeland Security employees thwart human smuggling networks and disrupt the international drug trade. An example of these efforts is in 2005 a discovery of a tunnel between the United States and Canada that would have been used to smuggle drugs into the United States.

Mr. Speaker, it is easy to come to this floor and come together in a bipartisan way and pass a resolution to say that we support the men and women who work in the Department of Homeland Security. It is easy to talk about morale. It is easy to criticize the men and women who protect our children, protect our neighbors and protect our communities and are out there every day. We need to show by action.

We need to support them in our legislation that we pass that provides them with the tools and the resources they need to do their job. I was in law enforcement 33 years in the Seattle area. I know that when I made a life-and-death decision, I had the support of my administration, I had the support of my leadership.

Our men and women who work for the Department of Homeland Security need a strong leadership. And our strong leadership can be supported by people right here in this body, by supporting them again with their resources and the tools that they need.

Mr. Speaker, the employees of the Department of Homeland Security have a tough job, a very tough job. They not only need our strong words of support here today, and the support that we bring with our vote in supporting this resolution, but they need our respect, and our admiration each and every day as they are out there protecting our country, our children, and the future of our grandchildren.

Mr. CARNEY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I too support the efforts of the men and women who work in Homeland Security. As a former judge in Texas for over 20 years, I appreciate all of those in our country who are in law enforcement. But I was disappointed and concerned to hear that this department who is tasked with protecting our Nation's borders, ports, and other critical infrastructure

is ranked dead last in employee attitude and morale of all 36 Federal departments surveyed.

To me it reflects the poor and often ambiguous leadership and policies at the top of the department, and I hope Congress can work together to correct this and correct it soon before someone does harm to our Nation.

Mr. Speaker, let me provide a couple of absurd examples of maybe the reason why those who are working at the Department of Homeland Security are so frustrated. Three years ago this Saturday, a couple of our border agents witnessed a drug smuggler illegally entering our country, bringing a million dollars worth of drugs.

They order the perpetrator to stop, he doesn't, the agents pursue the suspect, a scuffle ensues and shots are fired. Mr. Speaker, a different kind of environment exists on our Nation's border in the fight against drug smugglers, human traffickers, and terrorists. These two border agents, Ramos and Compean entered the Border Patrol and were trained with the sole duty of protecting Americans, you and me, and the sovereignty of this country.

Well, Mr. Speaker, these agents were not commended for their actions in preventing what turned out to be 700 pounds of marijuana from reaching the streets of America. No, they were prosecuted for it, convicted, and now sit in Federal prison for a decade for doing what they felt like was the right thing to do.

Our Federal Government made a deal with the drug smuggler, a back-room deal and let him loose to go after the border agents. No wonder there is low morale. You see, it is a violation of Border Patrol regulations to go after someone who is fleeing. The Border Patrol pursuit policy is unrealistic by prohibiting the pursuit of someone. This is ridiculous.

Also border agents cannot fire their weapon unless they are fired upon first. This is absurd. Now, some old Texas Ranger once said, No lawman should have to take a bullet before he can use his weapon. When border agents are approached by illegals carrying automatic weapons, they should not have to run away and retreat or be fired at before they stop the intrusion.

□ 1430

I guess this rule was conjured up by some bureaucrat up here in Washington, DC that has never been to the southern border, maybe conjured up for some political reasons.

Mr. Speaker, when we ask the border agents to protect the lawless and violent southern border, we need to give them clear rules of engagement to prevent the invasion into our Nation. We need to support them, and we need to let them know that Congress will support their actions.

Mr. CARNEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Congressman CARNEY, for bringing this important piece of legislation before the House.

Today, friends, we will honor and we will respect the fourth anniversary of the Department of Homeland Security. In so doing, we understand that it has been a rocky 4 years, but the importance of this mission of Homeland Security has only grown.

We must never forget the crucial mission of the Department of Homeland Security and that it cannot be fulfilled without the people who make up the Department of Homeland Security.

While there have been some difficult times, it is time for us to acknowledge that there are some good people working in the Department of Homeland Security. These people are heroes who work day and night keeping our country safe. They sacrifice their time. They are often away from their families, and they do a thankless job too often. So we are here today to say thank you, not only to those who are in the lofty offices and who hold high positions, but we are also here today to say thank you to those who sweep the floors, those who file the paperwork, those who answer the phones, those who are making a difference in the lives of Americans by making sure that while we are on their watch we are protected.

I want you to know that while the Department came in dead last with reference to job satisfaction for Federal employees, according to a recent OPM survey, and we know that this is unacceptable, they were dead last; but I believe that they can improve. I believe that they will do better. And I want to share my optimism because the Department of Homeland Security is a Department that every one of us is depending on who lives in the homeland. So the leadership in this Department must do better.

Congress today, I believe, stands with the rank and file employees of this Department, and we want everyone to do better, and we are here to support all of those many employees who are working hard for us.

So I ask today that my colleagues join me in supporting and in embracing this resolution for the Department of Homeland Security. They are making a difference in our lives.

The Department recently saw its fourth anniversary. It has been a rocky 4 years, but the importance of its mission has only grown.

We must never forget that the crucial mission of the Department cannot be fulfilled without the people who make it up.

These heroes work day and night keeping our country safe, sacrificing time with their families, doing often thankless jobs. We are here today to thank them.

The Department came in last in the recent OPM survey of job satisfaction of Federal employees. This is unacceptable. The Department's leadership must do better; it must listen to the people on the front lines.

Congress stands with these rank-and-file employees. We will do our part to see that the Department does better by them.

We have criticized the Department's management and decisions in the past, but no one should mistake this for criticism of the men and women on the front lines, day after day.

Please join me in honoring these everyday heroes.

Mr. THOMPSON of Mississippi. Mr. Speaker, it is my pleasure to be here today to honor the employees of the Department of Homeland Security. Four years ago the Department came into being with the crucial mission of protecting and securing our homeland.

It has been a tough 4 years, and the importance of this mission has only grown with time. If you watch the news, you hear all the acronyms for the different parts of the Department—DHS, CBP, FEMA, ICE, FPS, TSA, and the list goes on.

I fear that this alphabet soup may hide the faces of the people who make up the many pieces of the Department. But the vital mission of these different components cannot be fulfilled without the people who make them up. For example, the U.S. Secret Service does not protect the President—Secret Service Agents protect the President. United States Customs and Border Protection does not protect our ports of entry, Customs and Border Protection officers do that.

The Border Patrol does not guard our border, Border Patrol Agents guard the border. The Coast Guard does not watch our shores and rescue our citizens, Coast Guard men and women do. I could go on, but the point is the same: It is not the "Department" that gives up family time to help secure our Nation. It is not the "Department" that works nights, weekends, and holidays. It is not the "Department" that puts its life on the line. It is the people of the Department who make these sacrifices.

Let's not forget that these everyday heroes I just mentioned can't do their jobs without the support personnel in their agencies and Directorates—the contracting officers, administrative assistants, technical support teams, financial managers, and many more. While these folks don't always get the best support and guidance from their management, that in no way diminishes their efforts and sacrifices. It pained me to see the recent Office of Personnel Management survey, in which the Department ranks last in terms of job satisfaction. For the sake of its employees—and for the security of our Nation—the Department's management must do better. I have been critical of the Department's management and some of its decisions in the past, and I'm sure I will be in the future. But no one should mistake my occasional criticism of the way this Department has been run with criticism for the fine men and women who are on the front lines, day after day. I pledge to the employees of the Department that the Committee on Homeland Security will not ignore this problem. We will do our part to see that things improve. We will work with the management of the Department when we can—but we will also give them a gentle push in the right direction when we need to. As Chairman of the Committee on Homeland Security, it is an honor for me to stand here today in support of this resolution. This Nation must never forget the lessons of 9/11 and Katrina. And it must never take for granted the men and women who go out every day with one purpose: to do their best, in ways small and large, to keep us all safe. I urge all the Members of the House to join me in honoring these everyday heroes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 134, to recognize the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation.

The Department of Homeland Security is critical in ensuring our great nation's preparation for future terrorist threats and attacks. Its employees step beyond the ordinary call of duty and tirelessly help to prepare our Nation to counter acts of terrorism, natural disasters, and other emergencies.

After the events of September 11, 2001 the American people became painfully aware of the difference between feeling secure and actually being secure. The president responded to the need for development and implementation of a comprehensive national strategy to secure the U.S. from terrorist threats or attacks and thus on November 25, 2002 with the largest government reorganization in 50 years, DHS was established.

More than 208,000 employees of the Department work with state, local and tribal partners to ensure disaster preparedness at all levels of government while sacrificing their invaluable time with their family and working long hours to stand willing, able, and ready to respond if catastrophe strikes.

The Homeland Security Department's employees not only stand vigilant and steadfast against terrorist attacks but fulfill the mission of the department to protect continuously our Nation's borders, airport, seaports, rail lines, and other transit systems.

While it is fitting and appropriate to recognize the contributions of DHS employees, Mr. Speaker, it is also necessary to recognize that this Administration continues to deny labor rights to some of the most vital workers in the Transportation Security Administration—the TSA Screeners. Hiding behind the argument and the rhetoric that it needs a flexible security screening force, the Bush Administration continues to equate basic collective bargaining rights with a lack of patriotism. That is, the Administration is operating under the mistaken belief that allowing employees to collectively bargain for rights that others at DHS have will negatively impact homeland security. This is simply untrue.

If the Administration's argument were true, then this means that the law enforcement officers at the Border Patrol, Customs and Border Protection, and the Federal Protective Services are all negatively impacting homeland security—since these brave men and women have collective bargaining rights. And, despite having these rights, these folks are part of a flexible and highly sought after human resource, just like the TSA Screeners. So, as we honor all DHS employees, Mr. Speaker, let us not forget that we must do more to make DHS a fair and equitable place to work.

I thank Congressmen CARNEY and BILIRAKIS for managing this important bipartisan legislation and I strongly urge my colleagues to stand together to commend, applaud and commemorate the employees of the DHS. Their important duties extend beyond the ordinary. They protect our homeland and our people.

DHS employees have sacrificed and worked tirelessly to safely protect us not only from terrorist attacks but our borders as well as our airports, seaports, rail lines, and other transit systems. For this, they deserve our gratitude.

Mr. CARNEY. Mr. Speaker, I would inquire as to whether the gentleman from Florida has any more speakers.

Mr. BILIRAKIS. Mr. Speaker, I do not.

Mr. CARNEY. Mr. Speaker, I urge my colleagues to vote "aye" on House Resolution 134.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the resolution, H. Res. 134.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### ESTABLISHING A PILOT PROGRAM IN CERTAIN DISTRICT COURTS TO ENCOURAGE ENHANCEMENT OF EXPERTISE IN PATENT CASES AMONG DISTRICT JUDGES

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 34) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read as follows:

H.R. 74

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

##### (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which one or more issues arising under any Act of Congress relating to patents or plant variety protection must be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to one of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which

the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—The Director of the Administrative Office of the United States Courts shall, not later than 6 months after the date of the enactment of this Act, designate not less than 5 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out. The Director shall make such designation from among the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended, except that the Director may only designate a court in which—

(1) at least 10 district judges are authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under other provisions of law; and

(2) at least 3 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

##### (e) REPORTING TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) PERIODIC REPORTING.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Direc-

tor of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

(f) AUTHORIZATION FOR TRAINING AND CLERKSHIPS.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated not less than \$5,000,000 in each fiscal year for—

(1) educational and professional development of those district judges designated under subsection (a)(1)(A) in matters relating to patents and plant variety protection; and

(2) compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases, to be appointed by the courts designated under subsection (b) to assist those courts in such cases.

Amounts made available pursuant to this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 34 and ask my colleagues to join me in voting to pass this legislation. Last Congress, an identical bill passed unanimously through the Judiciary Committee and then passed by voice vote on suspension on the House floor.

Patents are the cornerstone of our economy and provide incentives for innovation. Therefore, it is all the more important to continually assess the effect patent litigation has on the preservation of patent quality and intellectual property rights.

H.R. 34 authorizes the Administrative Office of the United States Courts to establish pilot programs in the United States district courts where the most patent cases are filed. At minimum, five courts, spread over at least three circuits, will take part. To qualify, a court must have at least 10 judges, and at least three judges must request to take part in that program in each of the districts.

The chief judge randomly assigns the patent cases. Should that judge, who is assigned the case, decline that assignment, one of the several judges who has opted to take part in the pilot program receives the case. Further, H.R. 34 requires the Director of the Administrative Office of the United States Courts to report to Congress on the pilot program's success in developing judicial expertise in patent law and authorizes funds to increase both judges' familiarity with patent law and provide additional funding for clerks.

Patent law is an extremely complex body of law involving analysis of intricate technologies, and Federal district court judges spend an inordinate



amount of time on patent cases, even though patent cases only make up 1 percent of the docket. The combination of the complex science and technology, the unique patent procedures and laws, the administration of the courts and their dockets, and the sheer number of issues raised by patent litigation makes improvement of the patent adjudication system a uniquely complicated, difficult, but necessary, task.

The impetus behind this bill, in part, is the high reversal rate of district court decisions. The Federal Circuit Court of Appeals, which has exclusive jurisdiction over patent appeals, reverses over 30 percent of the district court patent claim constructions. Critics assert that the high reversal rate is due to judicial inexperience and misunderstanding of patent law. The pilot program we are proposing here would address this problem by increasing judicial familiarity with patent law and providing funds to pay additional clerks to assist with patent cases.

The Administrative Office of the United States Courts had concerns about the effect of the pilot program on randomness of assignments. Therefore, in an amended version of the bill, we address this issue by only allowing the district courts with a large enough pool of judges to participate in the pilot program. As a result of this change, at least three judges will take part in the program to ensure that the selection of a certain court does not mean the selection of a certain judge.

Therefore, as the pilot program increases the expertise of judges who opt into the program, it also ensures that the selection of a certain district court is not outcome-determinative, and thus it does deter forum shopping.

While recent accounts demonstrate that as time passes Federal district court judges are becoming more proficient at the application of patent claim construction rules, and while reversal rates are coming down, judicial inexperience in patent law still frequently gives weak, untested and presumptively valid patents the same kind of protection previously reserved for strong and judicially tested patents.

As the importance of intellectual property continues to grow in our economy, we can expect that the Federal courts will spend even more time on patent cases. Thus, we must act now to improve the timeliness and quality of their decisions.

A patent program, combined with a study of its results, serves as a valuable tool in assessing the ability of the courts to become more knowledgeable about the specific laws and technologies involved in patent cases. By providing extra resources and fostering judicial experience in patent law, we can lower the reversal rate of district court decisions and ensure that invalid patents do not receive protections.

Questions have arisen about why the legislation is necessary. All Federal district judges should already be striving, obviously, to enhance their knowl-

edge of patent law through extra classes and training. I want to make clear, this bill does not serve as a cushion for judges who shy away from patent law. Instead, H.R. 34 will assess the benefits of the channeling of patent cases towards judges with greater interest and expertise in patent law and determine whether the program improves patent quality and expedites the adjudication process. This bill is only a pilot program.

Patent quality has been a long-time priority of mine, and I believe H.R. 34 is a first step to resolving some of the deficiencies in the patent system. But this in no way substitutes for comprehensive overhaul of the patent system designed to ensure that innovation is not at risk in the 21st century. By increasing judicial expertise in patent law, H.R. 34 should ultimately improve both patent quality and the litigation process.

As I mentioned previously, this bill has the full support of the Judiciary Committee and many industries and trade groups, including the pharmaceutical, technology, biotech and consumer electronics industries and intellectual property owners and other intellectual property organizations.

I encourage my colleagues to join me in supporting H.R. 34.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is widely recognized that patent litigation is too expensive, too time consuming, and too unpredictable. H.R. 34 addresses these concerns by authorizing the establishment of a pilot program in certain United States district courts that is intended to encourage the enhancement of expertise in patent cases among district judges.

The need for such a program becomes apparent when one considers that fewer than 1 percent of all cases in U.S. district courts, on average, are patent cases and that a district court judge typically has a patent case proceed through trial only once every 7 years. These cases require a disproportionate share of attention and judicial resources, and the rate of reversal remains unacceptably high.

The premise underlying H.R. 34 is simple. Practice makes perfect, or at least better. Judges who focus more attention on patent cases can be expected to be better prepared and make decisions that will hold up under appeal.

This bill is the product of an extensive oversight hearing which was conducted by the Subcommittee on Courts, the Internet and Intellectual Property in October 2005. The authors of H.R. 34, Representatives DARRELL ISSA and ADAM SCHIFF, introduced this measure on January 4, 2007. This legislation is identical to H.R. 5418, a bill that passed the House unanimously last September. Unfortunately, the clock on the 109th Congress expired before the other body could take up this bipartisan measure.

Mr. Speaker, H.R. 34 will require the Director of the Administrative Office of the Courts to select five district courts to participate in a 10-year pilot program that is to begin no later than 6 months after the date of enactment.

The bill specifies criteria the director must employ in determining eligibility of districts. It contains provisions to preserve the random assignment of cases and to prevent the selected districts from becoming magnets for forum shopping litigants.

The legislation also requires the director, in consultation with the director of the Federal Judicial Center and the chief judge of each participating district, to provide the Committees on the Judiciary of the House of Representatives and the Senate with periodic progress reports.

Before closing, Mr. Speaker, I want to commend the superb job that the bill's sponsors did in seeking out and incorporating the advice of numerous experts as they developed this bipartisan legislation. Congratulations go to Congressmen DARRELL ISSA and ADAM SCHIFF. Their success and cooperation have resulted in a worthy bill that deserves the support of the Members of the House.

Mr. Speaker, I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

□ 1445

Mr. BERMAN. Mr. Speaker, I yield myself 30 seconds.

I simply join with my friend the ranking member in complimenting both the gentleman from California (Mr. ISSA) and the other gentleman from California (Mr. SCHIFF).

If one could patent all of Mr. ISSA's ideas, the Patent Office would truly be backlogged for a very long time.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), the ranking member of the Intellectual Property Subcommittee and a former chairman of the Intellectual Property Subcommittee.

Mr. COBLE. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding.

And I probably won't use 5 minutes, but, Mr. Speaker, H.R. 34, a bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges, is a bill that deserves the continued support of the Members of the House. As has been indicated both by Mr. BERMAN and Mr. SMITH, drafted by Representatives ISSA and SCHIFF, this bipartisan legislation was passed unanimously by the House last year, but due to the press of time the other body did not consider the measure. With House action early in this Congress, we will be able to ensure our colleagues on the other side of the Hill have maximum

opportunity to fully and fairly consider this legislation.

Mr. Speaker, it is no secret that our Nation's patent laws have become the subject of much scrutiny and debate. Indeed, Judiciary Committee Ranking Member LAMAR SMITH and the chairman of the Intellectual Property Subcommittee, Representative HOWARD BERMAN, with whom I look forward to working this Congress, have been leaders in developing substantive and comprehensive reforms to our Nation's patent system. The further consideration of these proposals is the IP Subcommittee's highest priority this Congress. I am encouraged and hopeful that we will be able to look back at the end of the 110th Congress satisfied that we ran the course and completed this important task.

But there is related work this House can complete immediately that will serve as a step in the right direction. By passing H.R. 34, a commonsense and narrowly tailored measure that will provide designated Federal district judges the opportunity to improve their expertise in the handling of patent cases, the House will be taking an early, positive first step along the road to comprehensive patent reform.

Mr. Speaker, a typical Federal district judge may preside over no more than three or four, five at the most, patent cases which are litigated to conclusion during the course of his or her career. Patent cases comprise only 1 percent of cases filed in Federal court, yet they make up nearly 10 percent of complex cases. The timely and appropriate resolution of these cases is vital to uphold the rights of individual litigants. But it also serves the larger interests of consumers and the economy.

Patent litigation, Mr. Speaker, is characterized by disputes that involve the interaction of numerous parties, the integration of sophisticated technologies, and the application of technical aspects of substantive patent law by judges who are rarely presented with such cases.

Mr. Speaker, H.R. 34 is a modest bill that will enable a small number of these district judges to be designated to gain additional experience and resources in handling these cases, the outcome of which is so crucial to our economy.

This legislation also includes safeguards to prevent these districts from being used to promote "forum shopping" as well as provisions to ensure that the Congress is provided with useful periodic reports on the progress of this new initiative.

Again, I thank the distinguished gentleman from California (Mr. BERMAN), the distinguished gentleman from Texas (Mr. SMITH), and Representatives SCHIFF and ISSA for their work.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 34.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA), a member of the Intellectual Property Subcommittee and one of the two principal sponsors of this very worthy legislation.

Mr. ISSA. Mr. Speaker, there are few things in this body that truly transcend party lines. The respect for the Constitution and our obligations under it clearly are the most important among them.

The Constitution makes it clear that inventors and authors and artisans are entitled to protection for a limited period of time under the Constitution. And yet, if it takes years to get through a patent case and only to have it reversed 30 to 40 percent of the time, much more often if it is a first-time case before a Federal judge, then justice is not only delayed but in some cases denied if you don't have the ability, after paying maybe \$2 million, to pay another \$2 million to go through the appeal process. Therefore, it is essential at the district court that the judges get it right the first time.

Under the Markman decision, a Federal judge must decide what the patent means. It is incredibly technical often to decide what 5,000 claims, sometimes looking thicker than the Bible and the Koran put together, really mean; and yet that is an obligation of the judge. Those obligations may be in the areas of mechanical engineering, electrical engineering. It could be chemical. It could be bio. It could be so technical as to require outside experts just to decipher some of the language. And yet we ask a Federal judge, most often the one who has just ascended to the bench, to take on these patent cases. This bill is designed to reduce the times in which the most complex cases get before the least prepared and sometimes even the least willing Federal judges.

It also is an example of something that has been used in other ways, but appropriate here: a theory that you must mend it, not end it. We have an obligation, and the Federal courts with us have an obligation, to deal with intellectual property properly because it is a right under the Constitution, and yet it is broken. My colleagues, Mr. SCHIFF as the cosponsor but, more broadly, Ranking Member SMITH have been supportive. The now chairman of the subcommittee, Mr. BERMAN, helped all along the way. Mr. CONYERS has been supportive, both in the last Congress and this Congress, in getting this bill out; and Senator LEAHY and Senator FEINSTEIN are working on the Senate side for a counterpart.

This type of legislation is narrowly crafted but deals with the exact problems we are facing. Let me just give you one example, Mr. Speaker. Most

Americans understand in the last Congress the RIM or BlackBerry case, a case in which for years the litigation continued on and we were dealing with over half a billion dollars of final damages. Reversal after reversal, decision and indecision. That shouldn't happen when we are dealing with billions of dollars.

This legislation seeks to spend only \$5 million a year to check out the feasibility of what would probably be only \$50 or \$60 million in total a year to make our Federal courts able to deal with what turns out to be tens or hundreds of billions of dollars of commerce.

Therefore, I hope that because we pass this early and, I trust, unanimously once again, that we will be able to deal with the Senate, bring this to the President's desk, and begin working with the courts to implement it.

Last but not least, an unusual "thank you." Justice Breyer was a major part of this discussion from the earliest stages, and as somebody who, while as a Senate staffer, was considered to be the father of the Fed circuit, his opinion that there needed to be a fix in the district court so as not to have to take from the district courts the very jurisdiction that we speak of here today, was crucial to the development of this bill.

I thank my colleagues on both sides of the aisle for this bipartisan support.

Mr. Speaker, I rise today in support of H.R. 34, a bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges. Congressman ADAM SCHIFF and I have worked together on this legislation since the last Congress, and I am grateful for the chance to move this legislation forward today.

The high cost of patent litigation is widely publicized, and it is not unusual for a patent suit to cost each party over \$10,000,000. Appeals from district courts to the Court of Appeals for the Federal Circuit are frequent. This is caused, in part, by the general perception within the patent community that most district court judges are not sufficiently prepared to hear patent cases. I drafted this legislation in an attempt to decrease the cost of litigation by increasing the success of district court judges.

H.R. 34 establishes a pilot project within at least five district courts. Under the pilot, judges decide whether or not to opt into hearing patent cases. If a judge opts in, and a patent case is randomly assigned to that judge, that judge keeps the case. If a case is randomly assigned to a judge who has not opted into hearing patent cases, that judge has the choice of keeping that case or sending it to the group of judges who have opted in. To be a designated court, the court must have at least 10 authorized judges with at least 3 opting in.

The core intent of this pilot is to steer patent cases to judges that have the desire and aptitude to hear patent cases, while preserving random assignment as much as possible. Each of the test courts will be assigned a clerk with expertise in patent law or the scientific issues arising in patent cases, and funding is also allocated to better educate participating



judges in patent law. The pilot will last no longer than 10 years, and periodic studies will occur to determine the pilot project's success.

I am happy to say that H.R. 34 is supported by software, hardware, tech and electronics companies, pharmaceutical companies, biotech companies, district court judges, the American Intellectual Property Law Association, and the Intellectual Property Owners Association among others.

This legislation is a good first step toward improving the legal environment for the patent community in the United States. H.R. 34 should not, however, be taken as a replacement for broader patent reform. We still need to address substantive issues within patent law, and I look forward to working with my colleagues on that broader effort as well.

I thank Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH, as well as Intellectual Property Subcommittee Chairman HOWARD BERMAN and Subcommittee Ranking Member HOWARD COBLE for all of their efforts in moving this legislation. I also thank Committee staff David Whitney and Shanna Winters for their counsel during the development of H.R. 34.

I encourage all of my colleagues to support H.R. 34.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support of H.R. 34, which authorizes a new 10-year pilot program designed to increase judges' expertise in presiding over patent cases. Under the new pilot program, district judges could request to hear cases relating to patent law or plant variety protection. Currently, cases in Federal district courts are assigned randomly. Under the measure, if one judge declines to hear a patent case, the case could be reassigned to one of the judges in the pilot program who has requested to hear such cases.

The bill directs the Administrative Office of the Courts, within six months of enactment, to designate at least five courts in at least three different judicial circuits in which the pilot program would be conducted. It requires that these districts for the pilot program be chosen from the 15 districts that have had the largest number of patent and plant variety protection cases filed within the past year, and that the pilot program is conducted in districts in which at least three judges will participate. It also requires the administrative Office of the Courts to submit periodic reports to the Committee on the Judiciary for the House and the Senate regarding the effectiveness of the pilot program.

Mr. Speaker, H.R. 34 enjoys strong bipartisan support in the Judiciary Committee. I urge my colleagues to support this pilot program.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 34.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## HONORING AND PRAISING THE NAACP ON THE OCCASION OF ITS 98TH ANNIVERSARY

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

The Clerk read as follows:

H. CON. RES. 44

Whereas the National Association for the Advancement of Colored People (NAACP), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who answered "The Call" for a national conference to discuss the civil and political rights of African Americans;

Whereas the National Association for the Advancement of Colored People was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's 1954 decision in *Brown v. Board of Education*;

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws which ensured Government protection for legal victories achieved; and

Whereas in 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) recognizes the 98th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its

work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H. Con. Res. 44.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Today I rise to join my colleague AL GREEN of Texas in honoring the National Association for the Advancement of Colored People, the NAACP, on its 98th anniversary. As we observe Black History Month this February, it is only appropriate that we recognize the Nation's oldest and largest civil rights organization. Ninety-eight years after its inception, we salute the NAACP for its continued commitment to promoting equality and justice for all Americans.

The NAACP has been at the forefront of every brave and courageous moment in this Nation's civil rights history. This was particularly evident during the height of the Civil Rights Movement. In 1954 the NAACP secured one of the greatest legal victories with the *Brown v. Board of Education* decision. In 1960 the NAACP Youth Council organized a series of sit-ins at lunch counters throughout the country, an activity which I think for many of us, I know for myself, helped to pique and motivate our interest in the ability of politics and movement to make change on behalf of people. And in 1965 the NAACP successfully sought enactment of the Voting Rights Act.

Today the NAACP priorities continue to "ensure the political, educational, social, and economic equality of rights of all persons," as its mission statement reads. Last year the NAACP addressed such issues as voter disenfranchisement, HIV/AIDS, and the conflict in Sudan. In 2007 the organization continues to confront these and other domestic and international concerns. Most recently, the NAACP supported Congress' efforts to increase the minimum wage.

We in this body congratulate the NAACP for this work and their continued efforts to protect the civil and human rights of our citizens. On its 98th anniversary, the NAACP remains an integral and essential part of this society. We salute the NAACP on this significant occasion.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Concurrent Resolution 44, which recognizes the 98th anniversary of the NAACP.

For almost a century, the NAACP has fought to bring justice and racial equality to all parts of America. In 1917 the NAACP won a legal victory in the Supreme Court which held that States could not restrict and officially segregate African Americans into residential areas. The same year the NAACP fought for the right for African Americans to be commissioned as officers in World War I. In 1920 the NAACP held its annual conference in Atlanta, which at the time was one of the most active areas for the Ku Klux Klan. As a result, the NAACP showed the world it would not be intimidated by racial violence.

□ 1500

In 1935, NAACP lawyers Charles Houston and Thurgood Marshall won a legal battle to admit a black student to the University of Maryland.

During World War II, the NAACP led the effort that resulted in President Franklin Roosevelt's ordering a non-discrimination policy in war-related industries and Federal employment.

And in 1948, the NAACP convinced President Harry Truman to sign an executive order banning discrimination by the Federal Government.

In 1954, under the leadership of Special Counsel Thurgood Marshall, the NAACP won one of the greatest legal victories in *Brown v. Board of Education*.

In 1960, in Greensboro, North Carolina, members of the NAACP Youth Council launched a series of nonviolent sit-ins at segregated lunch counters. The segregation ended, and all Americans could finally break bread together.

The history of America's modern struggle to live up to our constitutional principles was often written by the NAACP, and it continues to champion the cause of social justice today. The NAACP has served as the voice of those who were mute with fear. It has served as a key for those who were handcuffed and jailed under segregationist policies. And it carried the weight for those whose backs were broken by brutal beatings. It did so peacefully, and with dignity; and, as a result, America can hold its head higher.

It is with great pleasure that I support this concurrent resolution, which I hope raises even higher the awareness of this organization's historic contributions to the cause of civil rights.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ISSA), and would ask unanimous consent that he be allowed to control said time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 6 minutes to the sponsor of the resolution, the distinguished gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, thanks to the subcommittee chairman, Congressman HOWARD BERMAN. I thank you much for the many things that you have done.

Mr. Speaker, I also think it appropriate to thank today chairman JOHN CONYERS of the Judiciary Committee for assisting in this and causing this piece of legislation to move forward quickly. I thank Senator HILLARY CLINTON and the more than 20 cosponsors in the United States Senate.

My understanding is that companion legislation will be filed there today. We would like to thank the 117 cosponsors in the U.S. House of Representatives, all of whom believe that this legislation is exceedingly important. And, of course, I would like to thank last year's cosponsor with me, the ranking member of the Judiciary Committee, Congressman JAMES SENSENBRENNER.

Mr. Speaker, there are many organizations that have endorsed this legislation: the American Jewish Committee; the ADL, the Anti-Defamation League; LULAC, the League of United Latin American Citizens; and NCLR, the National Council of La Raza.

Today, H. Con. Res. 44 honors the NAACP for 98 years of service to America. Mr. Speaker, that is 98 years of upholding the constitutional notion of government of the people, by the people, and for the people. That is 98 years of standing on the Declaration of Independence and the premise that all persons are created equal; 98 years, Mr. Speaker, of saluting the proposition in the Pledge of Allegiance that we are indeed one Nation, with liberty and justice for all.

I thank God, Mr. Speaker, for the NAACP and those brave souls who assembled 98 years ago today on February 12, 1909, a group of people who met to fight for the rights of black people. They were an integrated group, both black and white, who believed in the Constitution of the United States of America.

And while we must remember that the NAACP was founded to make democracy work for black people, we shouldn't forget that it was Mary White Ovington, a white woman, who is said to have hosted the founders meeting. And we shouldn't forget that she did this in response to William English Walling, a white man who wrote an article asking citizens to rally in support of African Americans.

We don't forget in the NAACP, and we should never forget, the fact that this organization has never been a black-only organization. So, today, I salute the NAACP-ers, current and those who have gone on for their great work in this great country. I want to salute them by remembering those who are black, but I also pledge that we will never forget those who are white.

So as we remember Dr. Louis T. Wright, who in 1935 became the first black NAACP board Chair, we should not forget Oswald Garrison Villard, the white man who in 1911 became the very

first Chair of the board of the NAACP. You see, there were two white NAACP board Chairs, Oswald Villard and Joel Spingarn, before we had a black NAACP board Chair.

And I believe we should remember James Weldon Johnson. He was the first black executive secretary and director of the NAACP. However, we should never forget Francis Blascon and Mary White Ovington, along with Mary Nurney and Royall Nash, all of whom were white and served before James Weldon Johnson.

Let us remember the brilliant lawyer and Supreme Court Justice, Thurgood Marshall. However, we should not forget Arthur Spingarn, the white NAACP-er who donated large sums of money and raised even more money for the NAACP Legal Redress Committee. While Thurgood Marshall was a great litigator, and he was, we should never forget that the Spingarns were great donors and made it possible for a lot of the litigation to take place.

I will remember and I beg that we all remember Medgar Evers, the black NAACP field representative who was assassinated in his front yard in 1963. However, we shouldn't forget John R. Shillady, the white NAACP executive secretary, because he was beaten by a mob in Austin, Texas, and he never recovered.

Through the efforts of a multiracial, religiously diverse and ethnically inclusive group, the NAACP has made great contributions to our society: the passage of the Voting Rights Act; the passage of the Civil Rights Act; the Fair Housing Act of 1968; filed and won many lawsuits, including *Brown v. Board of Education*; *Shelley v. Kraemer*; and recently contributed millions of dollars to assist the Hurricane Katrina victims.

So today we can literally say we eat where we eat, we live where we live and we sleep where we sleep in part due to the NAACP, and we are grateful that they have been there for us.

Mr. Speaker, I beg that all of my colleagues will support this resolution.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 44 is and should be about the NAACP, but it is also about a history of a struggle, not just the 98 years that the NAACP has been pushing and prodding this body, the courts and the executive branch for fairness for all people, all people in the United States, but for the history of this struggle. Whether it is the *Marbury v. Madison* decision, or the dreaded *Dred Scott* decision, the Court has had to be prodded by the public, the Congress has had to be prodded by the public, and, yes, just as with Harry S. Truman, the President has had to be prodded by the public. No organization in American history has sustained the consistent legacy of being an effective prod to the government greater than the NAACP.

So I join with my colleagues on a bipartisan and undoubtedly bicameral

basis to celebrate this 98 years and the struggle that it represents.

Mr. SCOTT of Virginia. Mr. Speaker, I am honored to rise to congratulate the NAACP on its 98th Anniversary. As the Nation's oldest civil rights organization, the NAACP has for 98 years fought to ensure the political, educational, social and economic equality of all persons, so that all may share and participate in this country's great Democracy.

The NAACP was founded by a multiracial group of activists who answered "The Call" for a national conference to discuss the civil and political rights of African Americans. This conference was in response to the race riots that took place in Springfield, Illinois in the summer of 1908. Since that time, the NAACP has sought to ensure equal rights for all citizens and to eliminate race prejudice in the United States by working to improve the democratic process and by seeking the enactment and enforcement of laws that secure civil rights. The NAACP also acts as a watchdog and informs the public of the adverse effects of discrimination. The NAACP also educates the public about their constitutional rights, and when necessary, undertakes court cases to enforce and secure those rights.

The NAACP has a long and impressive history of activism and has contributed greatly to shaping America as we know it today. One of its first legislative initiatives was an anti-lynching campaign in the early 1900s. In the 1940s, the NAACP was influential in President Roosevelt's decision to issue an Executive Order prohibiting discrimination in contracts with the Department of Defense and in President Truman's decision to issue an Executive Order ending discrimination in the military. In the 1950s, the NAACP worked to bring an end to segregation in public schools; that work culminated in the case of *Brown v. Board of Education*. In the 1960s, the NAACP worked to raise support for the passage of the Civil Rights Act. In the 1970s, it helped expand voter participation through voter registration efforts. And the list goes on.

Today, the NAACP continues to eliminate race prejudice whenever it rears its ugly head. It continues to act as a watchdog to protect the civil rights of all people. And it educates the public about civil rights so that future generations will know tolerance and equality as the norm, rather than the exception.

I am proud to be a Diamond Life Member of the NAACP and to have served as a Branch President of the Newport News Chapter.

Mr. Speaker, I congratulate the NAACP on 98 years of service to our great country and its people, and I wish them another successful 98 years.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the National Association for the Advancement of Colored People on its 98th Anniversary. In 1909 the founder of the NAACP came together with the purpose of promoting the rights guaranteed under the 13th, 14th, and 15th Amendments to the Constitution. Today, the NAACP works to ensure that all individuals have equal rights and to eradicate racial hatred and discrimination.

The NAACP has influenced some of the greatest civil rights victories of the last century, including: integration of schools and the *Brown v. Board* decision; the Voting Rights Act; striking down segregation; and the Equal Employment Opportunity Act.

Despite the advancements of the past 98 years under the leadership of the NAACP, there is still much work to be done. The NAACP continues to promote new ideas and leadership in the fields of educational and employment opportunities, ending health care disparities, and economic empowerment.

The NAACP instilled in America a sense of consciousness, and continues to do that today through the thousands of individuals who continue to fight for equality and justice.

Mr. CARDOZA. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the National Association for the Advancement of Colored People (NAACP) as we celebrate the 98th anniversary of their inception.

Since 1909, the NAACP has been a leader in advancing civil rights and has sought to remove all barriers of racial discrimination through their use of legal and moral persuasion.

This organization has provided communities around the United States with strong and passionate leaders who have fought for social change. Among these organizations, it is an honor to note that California is home to 72 branches and youth units, each providing inspiration to their respective communities.

As we celebrate the accomplishments of the NAACP, we must also honor the values upon which it was founded, for there is much work left to be done, and the same tireless dedication and clarity of purpose will be required to continue onward.

I commend the National Association for the Advancement of Colored People for being champions of social justice and for their tireless efforts for almost a century. I look forward to celebrating their centennial in two years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 44, which gives fitting honor and praise to the National Association for the Advancement of Colored People on the occasion of the 98th anniversary of its founding.

The NAACP is the oldest, largest, most historic and most influential civil rights organization in the United States. First organized in 1905, the group was known as the Niagara Movement when they began meeting at a hotel situated on the Canadian side of the Niagara Falls. They had to meet in Canada because American hotels in Niagara Falls were segregated. Under the leadership of the Harvard-educated scholar, the great W.E.B. DuBois, the group would later be known as the National Negro Committee before finally adopting the name by which it has been known for the last 98 years—the National Association for the Advancement of Colored People, or NAACP—at its second conference in 1910.

The first official meeting was held in 1909 exactly 98 years ago today: February 12, the centennial of the birth of President Abraham Lincoln. The mission of the association was clearly delineated in its charter:

To promote equality of rights and to eradicate caste or race prejudice among the citizens of the United States; to advance the interest of colored citizens; to secure for them impartial suffrage; and to increase their opportunities for securing justice in the courts, education for the children, employment according to their ability and complete equality before law.

For nearly a century, the NAACP has stayed true to its charter and championed the

cause of justice and equality in America. It has fought valiantly and tirelessly on behalf of African Americans and others to secure their civil rights and liberties and the full measure of justice and equality for all.

At a time when African Americans were treated as second-class citizens and the scourge of slavery was still rampant, the NAACP emerged to ensure that the rights, interests and voices of African Americans did not go unheard.

As Chair for the Congressional Children's Caucus, I am especially concerned with fair access to quality education for today's youth. I am personally grateful to the NAACP for its leadership in winning the greatest legal victory for civil rights in American history: the 1954 landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), in which the Supreme Court struck down de jure segregation in elementary schools. NAACP General Counsel Thurgood Marshall, who would later become the first African American associate justice of the Supreme Court, forcefully argued and persuaded the Court to rule unanimously that in the field of public education, "separate but equal" was inherently unequal. That decision gave hope to millions of Americans that their children might enjoy the full promise of America that had been denied their forebears for more than three centuries.

The NAACP used the Supreme Court's decision in *Brown* to press for desegregation of schools and public facilities throughout the country. In 1955, Rosa Parks was arrested and fined for refusing to give up her seat to a white man in Montgomery, Alabama. Her act of civil disobedience triggered the Montgomery Bus Boycott, one of the largest and most successful mass movements against racial segregation in history and ignited the Civil Rights Movement. Daisy Bates spearheaded the campaign by the Little Rock Nine to integrate Central High School in Little Rock, Arkansas.

The NAACP remains committed to achieving its goals through nonviolence, the legal process, and moral and political suasion, and through direct actions such as marches, demonstrations, and boycotts to give voice to the hopes and aspirations of African Americans and others who lack the power to make their voices heard.

There is still a need for justice and equal treatment for African Americans and other vulnerable populations in our country. Thankfully, the NAACP is alive, well, vital, and effective. I am grateful for the many fights for equality that the organization has won, and thankful that the NAACP will be there in the future to champion the cause of justice wherever and whenever it needs a spokesman.

Happy birthday, NAACP and thank you for all you have done to make our country better. I urge all Members to join me in supporting H. Con. Res. 44.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Con. Res. 44.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE SIGNIFICANCE OF THE 65TH ANNIVERSARY OF EXECUTIVE ORDER 9066 AND SUPPORTING AND RECOGNIZING A NATIONAL DAY OF REMEMBRANCE

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 122) recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

The Clerk read as follows:

H. RES. 122

Whereas President Franklin Delano Roosevelt signed Executive Order 9066 on February 19, 1942, which authorized the exclusion of 120,000 Japanese Americans and legal resident aliens from the West coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in internment camps during World War II;

Whereas the freedom of Italian Americans and German Americans was also restricted during World War II by measures that branded them enemy aliens and included required identification cards, travel restrictions, seizure of personal property, and internment;

Whereas President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, "An American Promise";

Whereas Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;

Whereas the Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled "Personal Justice Denied";

Whereas the conclusion of the commission was that the promulgation of Executive Order 9066 was not justified by military necessity, and that the decision to issue the order was shaped by "race prejudice, war hysteria, and a failure of political leadership";

Whereas Congress enacted the Civil Liberties Act of 1988, in which it apologized on behalf of the Nation for "fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry";

Whereas President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that day to be a "great day for America";

Whereas the Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund, the purpose of which is "to

sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians so that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood";

Whereas Congress adopted the Wartime Violation of Italian Americans Civil Liberties Act, which was signed by President Bill Clinton on November 7, 2000, and which resulted in a report containing detailed information on the types of violations that occurred, as well as lists of individuals of Italian ancestry that were arrested, detained, and interned;

Whereas the Japanese American community recognizes a National Day of Remembrance on February 19th of each year to educate the public about the lessons learned from the internment to ensure that it never happens again;

Whereas H.R. 1492 (Public Law 109-441) was passed by Congress and signed into law in 2006, to allow the government to identify and acquire sites used to confine Japanese Americans during World War II, in order to preserve and maintain these historic locations for posterity and inspire new generations of Americans to work for justice while demonstrating the Nation's commitment to equal and fair treatment for all; and

Whereas the Day of Remembrance provides an opportunity for all people to reflect on the importance of political leadership and vigilance and on the values of justice and civil rights during times of uncertainty and emergency: Now, therefore, be it:

*Resolved*, That the House of Representatives—

(1) recognizes the historical significance of February 19, 1942, the date Executive Order 9066 was signed by President Roosevelt, restricting the freedom of Japanese Americans, German Americans, and Italian Americans, and legal resident aliens through required identification cards, travel restrictions, seizure of personal property, and internment; and

(2) supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of these events.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BERMAN).

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H. Res. 122.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume, but no more than 3 minutes.

Mr. Speaker, today I rise in favor of House Resolution 122. Sixty-five years ago, President Roosevelt signed Executive Order 9066, leading to the detention of approximately 120,000 Japanese Americans. They were forced to live in isolated camps, to sell or lease their

property, often at huge losses, and to give up their businesses and livelihoods. The freedom and civil liberties of Italian and German Americans were also violated during World War II by measures that branded them enemy aliens and went as far as restricting their movement and seizing their personal property. Thirty years passed before Executive Order 9066 was formally rescinded in 1976.

House Resolution 122 recognizes the devastating impact of that executive order. The resolution also supports and commends the efforts of the Japanese, Italian and German American communities in recognizing a National Day of Remembrance for their history of restriction, exclusion and internment during World War II. The failure of our political and judicial system to prevent the injustices against them still reverberates today.

The decision to intern Japanese Americans was based not on evidence, but rather on fear and panic. In 1980, Congress established a Commission on Wartime Relocation and Internment of Civilians. That commission, after conducting 20 days of hearings and receiving testimony from over 750 witnesses, concluded that Executive Order 9066 was not justified by military necessity, but resulted from "race prejudice, war hysteria, and a failure of political leadership."

In 1988, Congress enacted, and I was proud to be here and a part of that fight, the Civil Liberties Act to formally acknowledge and apologize for violations of fundamental civil liberties and constitutional rights of these Japanese Americans.

□ 1515

In 2000, President Clinton signed the Wartime Violation of Italian Americans Civil Liberties Act, which formally acknowledged civil liberty violations against Italian Americans.

The most honorable and principled way to show respect to those Americans who suffered injustices during World War II is to dedicate ourselves to fighting for the fundamental American principles of liberty of which their mistreatment remains to this day a glaring reminder.

Once again, I want to join with my colleagues in recognizing the very important work of the Japanese American, the German American and the Italian American communities in raising awareness of the National Day of Remembrance, and to particularly commend Representative HONDA for his efforts in bringing this resolution to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 122 which recognizes the tragic significance of Executive Order 9066 signed by President Franklin Delano Roosevelt to authorize the internment of Japanese Americans at the beginning of World

War II. The resolution also highlights the injustices forced on Italian Americans and German Americans during this same period.

In 1942, President Roosevelt authorized the Army to evacuate more than 100,000 Japanese Americans from the Pacific Coast States, including Washington, Oregon, and my home State, California, and also Arizona. This grossly blunderbuss approach to maintaining America's security serves, especially today, as a continuing reminder that the civil rights of American citizens should never be lost in the midst of the chaos of war, not even in a war on terror.

President Roosevelt authorized the mass expulsion and incarceration of Japanese Americans, and these are American citizens, by signing Executive Order 9066 on February 19, 1942. A few minutes ago, I spoke about the prodding of this body, the prodding about the Presidency and the prodding of the courts. This ill-fated action unfortunately was supported by this body, the one on the other side of the Dome and, yes, the U.S. Supreme Court. Had any of us recognized our burden of freedom and democracy and taken it to heart, this could not and would not have happened.

The tragic misuse of this power was met with an equally powerful response, but unfortunately, it was too late.

In 1976, President Gerald Ford issued Proclamation 4417, in which he said, "Learning from our mistakes is not pleasant, but as a great philosopher once admonished, we must do so if we want to avoid repeating them." We recently put to rest President Gerald Ford, but there was no action that Gerald Ford ever did as President more significant than this one. President Ford, in apologizing and taking back the misconduct perpetrated on American citizens so long ago, has set a high standard for it ever happening again.

Today, we have just those threats among us and amidst us, so I am happy to support this to join with the ACLU and all the other organizations that daily fight this and recognizing that this should never happen again.

Last but not least, we are joined with our colleague, the widow of Bob Matsui, and I might note that as a freshman it was Bob Matsui who was on the Democrat side speaking about this issue firsthand. I am sorry that he is not with us today. I look forward to the statements of my colleague and his widow, because I believe that, in fact, this is something we must do every year so that it never, never, never happens again in my America.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 7½ minutes to the sponsor of the resolution, the chief sponsor of the resolution, the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I would like to rise today in support of H. Res. 122. I also want to thank the House

leadership on both sides, as well as Chairman CONYERS, for their leadership in steering this measure to the floor today. While the resolution addresses events from our past, there is much that we can learn from our history, as has been stated by our friend Mr. ISSA.

This is a resolution recognizing the 65th anniversary of the Day of Remembrance and supporting the goals of the Japanese American community in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion and internment of all persons of Japanese ancestry during World War II.

The resolution also recognizes that many in the German and Italian communities experienced deprivations during this time as well.

This year marks the 65th anniversary of President Roosevelt's signing of Executive Order 9066 on February 19, 1942, and the 19th anniversary of the Civil Liberties Act of 1988, which was signed into law by President Reagan.

In 1942, some 120,000 people were rounded up in this country, primarily from the west coast, and incarcerated. Families were torn apart. Hardworking people had to sell their businesses for pennies on the dollar and their personal properties. Everything these people worked so hard for evaporated overnight.

I spent part of my childhood in a camp in southeast Colorado, an internment camp called Amache. H. Res. 122 also recognizes that many in the German and the Italian communities experienced deprivation during this period as well: public humiliation, detention and, at times, deportation.

In 1942, on the domestic front, our political leaders failed. Therefore, today we must work to educate the public about the internment of Americans in order to prevent similar injustices to be forced upon anyone in this country. Our civil liberties have not been in as much risk since World War II, and this time we, as political leaders, cannot fail.

True to the democratic process, our Nation has been able to look back and admit errors from its past. I can think of no greater evidence to show why the United States, with all its flaws, still is looked to worldwide as the Nation with the strongest and the fairest form of government.

By admitting that the government did wrong in its treatment of its citizens and legal residents who were aliens during World War II, Congress and the President reaffirmed our Nation's commitment to the principles founded in the Constitution.

However, we must always be vigilant in the protection of our civil liberties, and in this time of tension as we wage a war against terrorism, we must again reaffirm our commitment to the principles in the Constitution.

While national security is always a paramount concern for those of us making the laws, as well as executing

and interpreting the laws, we see that there are those in government who continue to pursue policies once again that target our civil liberties.

The whole point of the Day of Remembrance resolution is about learning. It is about being persistent about the lessons that we have learned from the American of Japanese ancestry, experience that is really an American lesson on the Constitution and is also a lesson of the American character where, upon reconciliation, there is a healing.

There is a healing among not only those who were incarcerated, but there is also healing among those who were affected but maybe not necessarily incarcerated. So victims are both those who were directly victimized and those who were indirectly victimized by the misdeeds of our government.

Also, the further learning, when we talk about the Day of Remembrance, is that other communities get to reflect upon their own experience at that time and project into the future when this kind of thing should happen again.

As a teacher, I want to reemphasize the necessity for this type of resolution as it continues to teach us the old maxim that those of us who do not learn from the mistakes of our past are doomed to repeat them.

In today's current light, I want to underscore that national security is my highest priority. It is our government's highest priority, and I support efforts to fight our war against terrorism. But we must also understand that in doing so, we do not again have a failure among our political leadership. We must not give in to war hysteria. We must not fall back to racial prejudice, discrimination and unlawful profiling.

It is critical and important, more than ever, to speak up against possible unjust policies that may come before this body. It is critical that we educate all Americans of the Japanese American experience during World War II, as well as the experience of other Americans, like the Japanese Latin Americans.

These people were extricated from Latin America, brought over here, had their documents taken away from them, thus becoming individuals without a country, to be used as pawns in exchange for POWs in the Pacific theater. As this resolution does, we must also remember the experiences of our comrades of the German and Italian Americans who were also victimized.

In order to learn the important lessons from our own history, I introduced H. Res. 122, the Day of Remembrance resolution, here in this body. I cannot emphasize enough that the lessons of those dark days are more important than ever. Remembering Executive Order 9066, signed on February 19, 1942, rescinded on February 19, 1976, and the reconciliation brought by the redress legislation signed on August 10, 1988, are still instructive to us today.

There is a maturity in this country that I am very proud of. This maturity

says that we can learn from our mistakes of the past and we can also teach to other of our lessons that we have learned. We have learned that the Executive Order 9066 was not signed out of military necessity. It was not signed out of national security. It was not signed out of personal safety and security of the Japanese Americans, but, as the Commission on Wartime Internment and Relocation of Civilians concluded, that it was a result of racial prejudice, war hysteria and the failure of political leadership.

The experiences from 1942, applied to our situation in this post-9/11, show us that the Constitution of this country is never tested in times of tranquility. Rather, our Constitution is always tested in times of trauma, tragedy, terrorism and tension, that the very principles of our Constitution continuously need to be taught until it is ingrained in our own character, so that every decision we make as a citizen, as adults, as children, as students, and as policymakers, that we will always be true to the principles of our Constitution.

The foundation of these ingrained principles is the light that draws people from around this world to overcome any obstacle to come to this country and be part of this society. The word is out around the world that this Nation will protect individual rights against even the most powerful in its government. The protection of our Constitution is what our forefathers and our veterans have shed their blood and sacrificed their limbs and lives for, in order that our Constitution may live and really be reflected in every action that we have, not only in this body but by every action of every citizen of this great country, so as to, or stated in the Preamble of the Constitution, in order to form a more perfect union.

Mr. ISSA. Mr. Speaker, I yield myself 2 minutes.

I would like to thank Congressman HONDA. Mike and I came into this Congress together. We came in at a time of peace. We came in at a time in which remembering 59 years earlier the history of the Japanese internment was a little abstract and yet necessary. I think that it is no longer abstract, and I thank the gentleman from California, because Mr. HONDA made it very clear that we have a clear and present danger in the same way.

It is easy to blame the Muslim community. It is easy to look at Arab Americans and say can we trust them.

I might point out something that is not in the body of the resolution but I know that Mr. HONDA and I have talked about in the past. During the time in which we were incarcerating women and children and old men of Japanese ancestry, the young Japanese Americans were in Europe fighting and dying in record numbers, defending our country in the most decorated way of any unit of World War II. That is a separate remembrance but it cannot be separated from the fact that today Arabs and Muslims are fighting in the war on

terror in Afghanistan, in Iraq and around the world.

□ 1530

They are in fact doing exactly the same thing. And I link the two because I believe that you don't respect history the way we are trying to today, if you don't link it to the present and the future, and you don't say we will learn from this terrible mistake. We can't undo what was done to the Japanese, Italian, and German Americans, but we can dedicate ourselves to ensure that this shall not happen again in this great Union.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Before yielding to our next speaker, I just want to associate myself with the comments of Mr. HONDA and Mr. ISSA. For one who remembers some of the key figures in this terrible tragedy, President Roosevelt; Justice William Douglas, who is an icon and a symbol of respect for civil liberties generally, you learn what war hysteria and a tendency to extrapolate the notion of an enemy into sweeping generalizations which are not justified by the evidence is something that we should be careful of.

At this point, I am very pleased to yield to my dear friend, whose late husband I worked with very much on the 1988 legislation who was one of the great spark plugs in passing that legislation and now his widow and our colleague, Congresswoman DORIS MATSUI, for 3 minutes.

Ms. MATSUI. Mr. Speaker, I thank my good friend from California (Mr. BERMAN) for yielding me time; and I would like to thank my good friend from California (Mr. HONDA) for his leadership on this resolution.

Mr. Speaker, the resolution before us today is a reminder that from great injustice can come great awakening.

We take up this resolution to mark the 65th anniversary of Executive Order 9066. The resolution is a reminder that each of us has a responsibility to ensure that something like Executive Order 9066 never happens again.

In a time of war, thousands of innocent American citizens were rounded up, forcibly removed from their homes, and shipped to internment camps. Sadly, this was an avoidable consequence of racial prejudice and wartime hysteria. The government at all levels was blinded by war. It is imperative that we learn the lesson this moment in history has taught us. That is why I applauded the creation of a grant program to preserve the internment camps and related historical sites where Japanese Americans were detained during World War II. We must preserve these camps as a physical, tangible representation of our government's failure to protect the constitutional right of every American, and also as a symbol of our Nation's ability to acknowledge our mistakes. Further, these designations will ensure that fu-

ture generations will be able to visit the internment camps to gain a better understanding of the previous generation's experience.

Mr. Speaker, we may have won World War II; however, we were not victorious because of our treatment of Japanese, Italian, and German Americans, but in spite of it.

Now, 65 years later, we are once again engaged in armed conflict overseas, and once again the undertones of suspicion and mistrust toward particular groups of people lurk beneath the surface of our society, which is why it is more important than ever to recall our past, so we do not repeat our mistakes.

I hope every American will take this day to reaffirm their commitment to our Constitution and the rights and protections it guarantees to all of us. The resolution before us today recognizes the past injustices and points the way toward a future where such wrongs are no longer perpetuated in this country. Each Member of this Congress as a servant of the people is duty bound to apply these lessons of the past to the challenges we now face. In doing so, we show our continued efforts toward ensuring that our country avoids similarly misguided policies now and in the future.

Mr. ISSA. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman from California, a friend and one of the champions on these issues, Mr. BERMAN, for his time. And I also thank Mr. ISSA, a gentleman from California and a friend, for his support and leadership on these issues as well.

Mr. Speaker, I think we rise here because this is what America is about. We often make mistakes, but one of the beauties of this country and the reason so many people wish to come here is because we have a way of healing and making amends, and there is such power in redemption. And for that reason I hope all of my colleagues will support House Resolution 122, authored by a champion of this cause, Congressman Mike Honda from California, because he has been at this for quite some time.

We talk about the healing that has to take place. I want to make sure I mention the strength and loyalty and commitment of the Japanese Americans, the Italian Americans, and the German Americans who never lost hope and faith in our country's values, what our Founding Fathers really meant this country to mean to the rest of the world. They are lights for the rest of us, because even in the darkest times they held out hope. And today, so many years later, 65 years later we are here to say it is a day that we will remember not because it was great but because we know how to do great things from things we did wrong.

So I stand here proudly to say to Mr. HONDA, thank you so much for your



leadership in this cause. Let us continue forward. Let us not forget those who have not yet seen justice. There are about 2,300 Japanese Latin Americans who were in essence kidnapped by our U.S. Government in the 1940s, brought to this country, held here, and in many cases used as exchange for American prisoners who were caught by the Japanese during World War II. They never received any justice. And I hope that we will continue to turn the page toward more full justice for all of us here in this country.

Ms. PELOSI. Mr. Speaker, to live up to the principles on which this great nation was founded, we must stand for freedom for all Americans, in wartime and in times of peace.

On February 19, 1942, Executive Order 9066 was signed, ushering in one of the darkest periods in our nation's history. During World War II, more than 120,000 Americans of Japanese descent were removed from their homes and placed in internment camps. Under baseless fears of Japanese Americans disloyalty, families were ripped apart and entire communities uprooted.

History has shown that this action, as well as restrictions on Americans of German and Italian ancestry, was not only wrong, but also indefensible. The National Day of Remembrance is an opportunity to learn from the lessons of our past as we work for a better future. I join Representatives HONDA, BECERRA, WU, SCOTT, ABERCROMBIE, MATSUI, BORDALLO, HIRONO, and many of our colleagues for a National Day of Remembrance on February 19.

In these difficult times of war, as we face the threat of terrorism, the lessons of that dark chapter are especially relevant today. As we protect and defend the American people, we must protect and defend the Constitution and the civil liberties that define our democracy.

I join my colleagues, especially the Members of the Congressional Asian Pacific American Caucus, who fight for justice and equality every day, to ensure that history is never repeated again.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 122, which lends support to the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the restriction, exclusion, and internment that these communities suffered during World War II.

In 1942, President Franklin D. Roosevelt signed Executive Order 9066, requiring 120,000 people of Japanese ancestry to be removed forcibly from their homes and placed in internment camps—two-thirds of these were American citizens, none of which had ever shown disloyalty to the American cause. Forced to live under harsh conditions, the last internment camp closed four long years later.

A little known fact of this shameful history is that Americans of German, Italian, Hungarian, Bulgarian, and Romanian descent were interned as well. Further, those that escaped internment often suffered from discrimination and prejudice at the hands of legislators and their fellow citizens.

These innocent Americans were treated unjustly by their own government during a time of war, simply because of their national origins. Such maltreatment must not go unremembered. It is absolutely essential to re-

member the past mistakes of our government in an effort to avoid future ones.

In times of war it may be easy to get carried away and put labels on those around us, assuming what their political ideals are based solely on their national origin or religious background. But as we have seen in World War II, such assumptions are unjust and can lead to disastrous consequences for a group of individuals.

By celebrating a National Day of Remembrance on February 19th, we renew our promise as a Nation to never let this happen again. We must ensure that all Americans are aware of these historical events, so that they may join us in an effort to prevent the repetition of such acts of prejudice. I commend my colleague from California, Mr. HONDA, for introducing H. Res. 122 to support these goals.

I also commend the efforts of other Americans who recognize the significance of these events and create awareness within our communities, especially among our youth. The Public Broadcasting Service has made efforts to do just that, by providing a classroom resource online to teach middle and high school students about these events and to help them think critically about their impact. During the week of February 19, 2007, this year's National Day of Remembrance, I encourage our Nation's educators to teach their youth about these events in our Nation's history.

In honor of the Japanese American, German American, and Italian American communities within our Nation, let us never allow such unjust practices occur in this great Nation again. I urge my colleagues to join me in supporting H. Res. 122.

Ms. BORDALLO. Mr. Speaker, February 9th marks the 65th anniversary of the signing of Executive Order 9066 by President Franklin Delano Roosevelt, which authorized the forcible removal of 120,000 Japanese Americans—two-thirds of whom were United States citizens and the remainder of whom were permanent residents—living in the western United States to internment camps throughout the country. Today I rise in strong support of House Resolution 122, which recognizes February 19th as the National Day of Remembrance of these acts of injustice committed against Japanese Americans and of the curtailing of the rights of Italian and German Americans in the United States. I urge my colleagues' support for this resolution.

Nearly 3 months after the Imperial Japanese attack on Pearl Harbor precipitated the United States' entrance into World War II, this executive order led to the incarceration and relocation of loyal Americans of Japanese descent. I stand here today to acknowledge the pain and suffering that they, along with many Italian Americans and German Americans, endured.

The first of over 100,000 Japanese Americans stripped of their rights as Americans by the authorities of Executive Order 9066 were those that resided on Bainbridge Island in the State of Washington. They were given only 6 days to sell their belongings, close their businesses, and pack-up their lives before they were resettled in internment camps elsewhere in the United States. And on the morning of March 30, 1942, these Americans were congregated at Eagle Dale Ferry Dock under armed guard before being transported to an internment camp. Friends and neighbors converged as a symbolic gesture of unity and support for these Japanese Americans who

were involuntarily removed from their community. They left behind all of their belongings and possessions that they could not carry or wear. Relegated to internment camps and living in barracks that were hastily built and unprotected from the elements, they tried to create stability for the families in a time of turmoil. Their children attended school and participated in extracurricular activities, all while being surrounded by barbed wire and under the watchful eyes of armed guards. Japanese Americans remained interned in these sites for the duration of the war.

Italian Americans and German Americans also were branded as enemy aliens and forced to acquiesce to provisions that included required identification cards, travel restrictions, seizure of personal property, and imprisonment during this time. Their wrongful treatment also deserves our attention and consideration to ensure that similar actions are never again repeated, experienced or relived.

This National Day of Remembrance is an opportunity for us to educate ourselves and others and to increase public awareness surrounding these harmful wartime decisions made by the United States Government. We take this time to recognize the Japanese American, Italian American, and German American communities that continue to plan events surrounding this anniversary, further ensuring that future generations never forget the mistakes of our past. These communities continue the legacy of honoring their elders, whose patriotism and courage during World War II are a testament to the enduring loyalty of ethnic minority Americans throughout this country.

We also acknowledge through passage of House Resolution 122 the occurrence of an egregious infringement of American citizenship rights. Passage of this resolution would provide an official record of our hope and determination that an act similar to this one is never repeated in the future. The National Day of Remembrance marks the beginning of the forced exodus of an entire ethnic minority from the western United States and today we hope to transform it into a means of educating future generations of the importance of civil liberties, especially in times of war.

Mr. Speaker, I thank the distinguished gentleman from California and our Chairman of the Congressional Asian Pacific American Caucus, Mr. HONDA, for his leadership in commemorating the National Day of Remembrance on the occasion of the 65th anniversary of the signing of Executive Order 9066 and for sponsoring this resolution.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 122.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mrs. Wanda Evans, one of his secretaries.

## RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE PINEDALE ASSEMBLY CENTER

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 109) recognizing the historical significance of the Pinedale Assembly Center, the reporting site for 4,823 Japanese Americans who were unjustly interned during World War II.

The Clerk read as follows:

## H. RES. 109

Whereas on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which authorized the forced internment of both United States citizens and legal resident aliens of Japanese ancestry during World War II;

Whereas in the largest single relocation of individuals in the United States in U.S. history, approximately 120,000 of these Japanese Americans were forced into internment camps by the United States Government in violation of their fundamental Constitutional rights;

Whereas due to this unjust internment, these Japanese Americans faced tremendous hardships, such as the loss of their homes, businesses, jobs, and dignity;

Whereas following Executive Order 9066, Japanese Americans in parts of Washington, Oregon, California, and southern Arizona were ordered to report to assembly centers before being removed to more permanent war relocation centers;

Whereas the Pinedale Assembly Center, located in Fresno, California, was the reporting site for 4,823 Japanese Americans;

Whereas February 19th, the anniversary of Executive Order 9066, is known as the Day of Remembrance;

Whereas the Pinedale Assembly Center Memorial Project Committee is charged with the task of establishing a memorial to recognize the historic tragedy that took place at the Pinedale Assembly Center; and

Whereas the ground-breaking ceremony for the memorial at the Pinedale Assembly Center will take place on February 19, 2007, the 65th anniversary of Executive Order 9066: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the historical significance of the Pinedale Assembly Center to the Nation and the importance of an appropriate memorial at that site to serve as a place for remembering the hardships endured by Japanese Americans, so that the United States will be reminded of the need to remain vigilant in protecting our Nation's core values of equality, due process of law, and fundamental fairness.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BERMAN).

## GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 109. We have been discussing in the previous resolution Executive Order 9066. When President Roosevelt signed that order, approximately 120,000 Japanese Americans were forced into internment camps, leading to the loss of their livelihoods, homes, and jobs. This action was the largest relocation of Americans in our history. Before being deported to permanent camps in desolate areas and behind barbed wires, thousands of Japanese Americans were temporarily held at assembly centers. Close to 5,000 Japanese Americans reported to the Pinedale Assembly Center in Fresno, California.

The Pinedale Assembly Center Memorial Project Committee will establish a memorial at that site, marking the tragedy that occurred there. The groundbreaking ceremony for the memorial will take place in just a few days, on February 19, 2007, 65 years after the signing of Executive Order 9066 and a day that the Japanese American community most appropriately recognizes as a national day of remembrance.

H. Res. 109 recognizes the historical significance of the site. The site is a symbol of the injustices suffered by Japanese Americans during World War II and a reminder of how fragile our civil liberties are in the face of fear, prejudice, and paranoia. I particularly want to commend my colleague, Representative COSTA of California, for introducing this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 109, recognizing the historical significance of the Pinedale Assembly Center, the reporting site for over 4,823 Americans of Japanese ancestry who were unjustly interned during World War II.

The Pinedale Assembly Center is located 8 miles north of downtown Fresno, California, on vacant land. It is a stark place, as was the policy that was supported by Executive Order 9066 signed by President Franklin Delano Roosevelt to authorize the tragic internment of Japanese Americans at the beginning of World War II.

The assembly center was encircled by a high chain-link fence, topped with three rows of barbed wire, and it caged American citizens whose only crime was their ancestry. Soldiers gave orders to citizens who should have been free; livelihoods were put on hold; uncertainty and fear punctuated each day. Thousands of law-abiding citizens who loved America and contributed to its strength had been trapped in endless rows of drab cell blocks.

The center serves as a symbol of America's stumbling. But our country has regained its footing. It has appro-

priately apologized for the tragic mistake of President Roosevelt's Executive Order 9066, and it is reaffirming its commitment, through this resolution before us today, to never forget its mistakes lest they be repeated.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to my colleague from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I want to thank Mr. BERMAN for his leadership.

I rise today in support of H. Res. 109, which recognizes the historical significance of the Pinedale Assembly Center, and I want to thank House leadership for bringing two resolutions on the floor today recognizing the important historical aspects of the Japanese American internment. I also want to thank Congressman COSTA for his leadership in introducing this very important resolution.

Executive Order 9066 authorized the exclusion and internment of all Japanese Americans living on the west coast during World War II. As we recognize the Pinedale Assembly Center, I want us to place the internment period into a broader historical context rather than just focus on the plight of the Japanese Americans during World War II.

□ 1545

Our Nation has always battled the dueling sentiments of openness and freedom on the one hand and apprehension and fear of perceived outsiders on the other. Due to apprehension and fear when our economy took a downturn in the 1880s, the Asian community became the target of politicians looking for someone to blame.

In 1882 the Congress passed the Chinese Exclusion Act to keep out people of all Chinese origin. During World War II, Japanese Americans were the well-known target of the government's submission to apprehension and fear.

During this time, 10,000 Italian Americans were forced to relocate; 3,278 were incarcerated, while nearly 11,000 German Americans were incarcerated. German and Italian Americans were restricted during World War II by measures that branded them enemy aliens and required identification cards, travel restrictions, seizure of personal property as well.

Our Federal Government has made amends for the fundamental violations of the basic rights of those of Japanese ancestry that took place pursuant to Executive Order 9066, but we must continue to learn from these events. In the post-9/11 world, we need to protect our Nation and our civil liberties more than ever.

As political leaders we must not fail to uphold constitutional principles.

Mr. ISSA. Mr. Speaker, I yield myself 1 minute.

I would like to associate myself with the comments of Mr. HONDA. I think it is very clear that you can't remember 65 years ago with the resolution and

not have a permanent, physical site for people to go to every day and realize what internment meant. So I join with my colleagues in supporting this resolution, urge its passage and recognize that this pairing of resolutions means a great deal, because it is only with something that the public can visit 365 days a year that we will, in fact, prevent this from happening again.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to recognize our new colleague, the gentlelady from Hawaii (Ms. HIRONO) for 5 minutes.

Ms. HIRONO. I thank the gentleman for yielding time.

Mr. Speaker, I rise today to speak in support of House Resolution 109. Today we will be taking action on two related measures, House Resolution 122, earlier debated, and this resolution.

One of the lowest points in American history occurred 65 years ago when the Constitution and civil rights of 120,000 persons of Japanese ancestry were trampled upon by their own government. Under the cloud of war, hysteria, false rumors and racial bigotry fueled official misconduct that led to the uprooting of innocent aliens and citizens alike in one of the worst wholesale infringements of constitutional rights in the 20th century.

As a consequence, thousands of persons of Japanese ancestry were forced by their own government to dispose of their property, businesses, farms and possessions for pennies on the dollar, if anything at all. Families were split up and sent to different relocation camps. Educations were disrupted, and careers abruptly terminated on only a few days' notice. Wholesale violations of basic constitutional rights were committed in the name of national security. Yet not a single act of sedition or espionage by any of the evacuees was ever proven in any court of law.

To the contrary, the historic exploits of AJA in the 100th Battalion and 442nd Regimental Combat Team in Europe and the MIS in the Pacific and Asia proved that patriotism was not skin deep. The psychological and emotional pain of this experience was so deep that many evacuees never talked about their experiences for decades.

Many who were directly affected by the order live and work among us still. A member of my own congressional staff, my deputy chief of staff, Susan Kodani, was born in the Manzanar Relocation Camp. Her family was then relocated to Michigan, ironically to permit her college-educated father to assist in the war effort.

Many more, of course, suffered personal losses and tragedies more traumatic and devastating. By recognizing the historic significance of the Pinedale Assembly Center and by observing the Day of Remembrance as called for in earlier House Resolution 122, we say to the Nation and our fellow citizens that America can never forget this horrible tragedy. While it directly

affected one segment of our population, the ramifications to all Americans are profound and no less relevant today as we wage war in Iraq.

The constitutional rights of all Americans are in jeopardy if any group of citizens can be persecuted without legal justification. We must all stand vigilant and alert for any attempt by any group, whether a small power clique or the majority of Americans, to overstep the bounds of the law for momentary expediency or even for claims of national security during war. The protection of our constitutional rights of all of our citizens require continued vigilance from all of us.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 109, to recognize the historical significance of the Pinedale Assembly Center in Fresno, California, the reporting site for 4,823 Japanese Americans who were unjustly interned during World War II.

It is fitting that a memorial will be established at this historical location, especially on this year's National Day of Remembrance. On that same day in 1942, President Franklin D. Roosevelt signed Executive Order 9066, requiring 120,000 people of Japanese ancestry to be removed forcibly from their homes and placed in internment camps—two-thirds of these were American citizens, none of which had ever shown disloyalty to the American cause. Forced to live under harsh conditions, the last internment camp closed four long years later.

These innocent Americans were treated unjustly by their own government during a time of war, simply because of their national origins, and such an injustice must not go unremembered. It is absolutely essential to remember the past mistakes of our government in an effort to avoid future ones.

In times of war it may be easy to get carried away and put labels on those around us, imputing disloyalty to persons of different national origins or religious backgrounds. But as we saw in World War II, such assumptions are frequently wrong, unjust, and can lead to disastrous consequences for a group of individuals.

I thank my colleague, Representative COSTA, for introducing this important legislation. We must never let such unjust practices occur in this great Nation again. I urge my colleagues to join me in supporting H. Res. 109.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 109.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### LINO PEREZ, JR. POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 437) to designate the facility of the United States Postal Service lo-

cated at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office".

The Clerk read as follows:

H.R. 437

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LINO PEREZ, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, shall be known and designated as the "Lino Perez, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lino Perez, Jr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 437, legislation naming a postal facility in Rio Grande City, Texas, after the former postmaster of Rio Grande City, Lino Perez, Jr.

Lino Perez, Jr., was the 18-year-old son of the mayor of the City of Rio Grande, Texas, where he witnessed how a breakdown in a government service could disrupt the lives of nearly all of its beneficiaries.

The City of Rio Grande, with a population of over 2,000, was reincorporated in 1933 at the height of the Great Depression over local businesses' refusal to pay taxes, causing young Perez's high school to lose its accredited status.

Thereafter, unable to complete in school in town, Mr. Perez persevered with his education, attending classes 100 miles away in Brownsville and eventually receiving his diploma from a school in Austin. Mr. Perez's father, Lino Perez, Sr., had served for 4 years as the Democratic mayor of the now disbanded town of Rio Grande. Some might have feared that a town which had financially defaulted and disbanded its government would suffer the fate of so many ghost towns in the western States, slowly fading from the map.

However, Mr. Perez, Sr., continued to look after his community, volunteering for the office of postmaster to his unincorporated neighbors. Mr. Perez, Sr., put his son, Lino Perez, Jr., to work delivering letters that same year.

Mr. Speaker, Lino Perez, Jr., succeeded his father as postmaster of Rio

Grande on New Year's Eve, 1957. During his first term, Mr. Perez improved service to the growing downtown district and the surrounding rural areas of Starr County. Mr. Perez strove to further serve the city by winning approval for a new post office building.

The Perez family, senior, and then junior, ran that post office in Rio Grande from 1934 to 1975. Together, they watched the town heal from economic stagnancy and grow in population throughout the century.

When Lino Perez, Jr., retired from the postal service, he continued his public service as State warden, State secretary and finally State treasurer of Texas. Lino Perez, Jr., learned from his father and, in turn, showed his town the strength of a community to weather difficulty as one, and the power of letter carriers to knit the lives of their fellow citizens together, to make all of the neighbors' stories into one story.

Many local officials support naming this post office after Lino Perez, Jr., including the city mayor, the county judge, and the area's State Representative.

Mr. Speaker, together with my colleagues, we urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is not uncommon in this body to name post offices after former Members of Congress, national figures, Presidents and the like. But it is incredibly appropriate today to name a post office after two generations of hard work on behalf of that very post office.

As a member of the Oversight and Government Reform Committee, I have managed many bills for post offices, and in my 6 years I have not seen a more befitting naming of a post office. Because, in fact, it is this group of tireless workers for the Federal Government, often the butt of jokes, the postmasters and the postmen and postwomen, that make sure that our bills, our letters, our correspondence, and, yes, our junk mail, are delivered to us.

I think this is among the most appropriate pieces of legislation that I have had the opportunity to help manage. I urge the passage of this. I urge the people of this Congress to take note that we are, in fact, naming a post office after a postman this one time.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time I would like to yield for as much time as he may consume to my esteemed colleague from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the gentleman from Massachusetts for his kind words, and the gentleman also from California for the kind words.

Mr. Speaker, I rise in support of H.R. 437, a bill to name the postal facility of Rio Grande City, Texas, after Lino Perez, Jr.

Mr. Lino Perez, Jr., is a role model and a leader in south Texas, who helped ingrain a rich tradition of public service in his community. Mr. Perez was born in Rio Grande City, Texas, in 1914. He attended high school in south Texas, as well as in Austin, and then returned home to Rio Grande City shortly after graduation to begin his post office career.

He first started with the United States Post Office in 1934 under the guidance of his father, who was then the postmaster of Rio Grande City. Lino Perez, Jr., worked through the ranks of the Rio Grande City Post Office; and after two decades, 20 years, he was named postmaster for Rio Grande City.

Under his leadership, the Rio Grande Post Office was upgraded to a second-class post office. Mr. Perez also established the city's first mail delivery, created several rural routes in Starr County, and helped lay that foundation for his community's further progress.

In addition, Mr. Perez served several terms on the Starr County Hospital Board of Directors, was actively involved in the Knights of Columbus, including being Texas State deputy, the highest Knights of Columbus position in Texas. After 41 years of loyal service, Lino Perez retired from the Rio Grande Post Office. Forty-one years of great service.

Mr. Perez still resides in the region, is warmly remembered by his family, friends and community as a community leader. Lino Perez, Jr.'s service to our country shall be remembered and celebrated through this small tribute, and I urge swift passage of this bill.

Again, I want to thank the gentleman from California and the gentleman from Massachusetts.

□ 1600

Mr. ISSA. Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, in conclusion, we are indeed very proud that this post office is being named after a postal employee, a very proud family.

On behalf of all the workers of the United States Postal Service, we want to urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 437.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

## MIGUEL ANGEL GARCIA MENDEZ POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 414) to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building".

The Clerk read as follows:

H.R. 414

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. MIGUEL ANGEL GARCÍA MÉNDEZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, shall be known and designated as the "Miguel Angel Garcia Méndez Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Miguel Angel Garcia Méndez Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in this House in the consideration of H.R. 414, legislation naming a postal facility in Mayaguez, Puerto Rico after the local politician, Miguel Angel Garcia Mendez.

Mr. Garcia Mendez proudly served the territory of Puerto Rico as the youngest Speaker of Puerto Rico's House of Representatives, serving between 1932 and 1940. He later was elected senator and founded the newspaper, *El Imparcial*.

Born in the town of Aguadilla on November 17, 1902, Mr. Garcia Mendez became an attorney and successful businessman. During his political career, he helped start the Republican Statehood Party, which was the predecessor of today's New Progressive Party, in 1948.

Up until his death, he advocated for Puerto Rico statehood in the hope that they would gain the right as American citizens to vote for President and to have a counted vote in the U.S. Congress.

Mr. Garcia Mendez passed away in November of 1998, and his dedication to service for all Puerto Ricans should be remembered and celebrated with this small tribute.

Mr. Speaker, together with my colleagues in the House, I urge the swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the passage of H.R. 414. It is an appropriate naming of a post office on behalf of a gentleman who for 96 years was a champion of statehood for Puerto Rico.

Puerto Rico is not just a territory, Puerto Rico is in fact the largest of all the territories, having a population that would give it at least four Members of Congress if it were to become a State.

Although he never succeeded in bringing statehood to Puerto Rico, he kept the hope alive and the belief alive by the Puerto Rican people that in fact they were Americans, and that as Americans one of their options would be statehood.

As a prominent businessman, he founded the Western Bank and was the owner of a very prominent newspaper in Puerto Rico.

He was born on November 17, 1902, and throughout his career he championed many activities beyond statehood. He was one of the founders of the New Progressive Party. He served in the Puerto Rico House of Representatives from 1932 to 1940, where he became the youngest Speaker and later was elected to the Senate.

We remember Mr. Mendez here today, and name this post office on behalf of him at the request of our Delegate from Puerto Rico, LUIS FORTUÑO, who unfortunately could not be here today, but who in fact found this to be the most appropriate person to name the post office after because of his long years of service to the territory of Puerto Rico and to the aspirations of the Puerto Rican people.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 414.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RUSH HUDSON LIMBAUGH, SR., UNITED STATES COURTHOUSE

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 342) to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr., United States Courthouse," as amended.

The Clerk read as follows:

H.R. 342

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RUSH HUDSON LIMBAUGH, SR. UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, shall be known and designated as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Rush Hudson Limbaugh, Sr. United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 342.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 342, to designate the U.S. courthouse at 555 Independence Street, Cape Girardeau, Missouri, as the Rush Hudson Limbaugh, Sr., U.S. Courthouse.

Judge Limbaugh was a leading figure in the legal profession, not only in Missouri, not just in the United States, but worldwide. He practiced law for over eight decades. At the age of 104, at the time of his death, he was still practicing law and was in fact the oldest practicing attorney in the United States.

He argued over 60 cases before the Missouri Supreme Court, tried cases before the Interstate Commerce Commission, the Labor Board and the Internal Revenue Appellate Division. He was city attorney for Cape Girardeau from 1917 to 1919. In 1923, he started a law firm that bears his name to this day.

From 1942 through 1946, he was Missouri counsel for the War Emergency Pipelines, which transported gasoline from Texas and Louisiana to the east coast as part of our war effort.

He was president of the Missouri Bar from 1955 through 1956, and served on a committee that drafted the Missouri Probate Court. In the early days of the independence of India, the State Department sent Judge Limbaugh to that country to be an Ambassador for the U.S. legal system.

He was active in civic aspects of life; elected to the Missouri State legislature in 1932 and 1933, where he advocated for the formation of the Missouri State Highway Patrol. He was presi-

dent of the State Historical Society for Missouri from 1956-1959. He was a Sunday school teacher; active in the Boy Scouts of America, his Centenary United Methodist Church, and the Salvation Army. He died at his home on April 8, 1996.

Judge Limbaugh will be remembered as a brilliant attorney and a great American. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of the full committee, Mr. OBERSTAR, for moving this legislation so expeditiously to the floor. H.R. 342 was introduced by our colleague, Representative JO ANN EMERSON of Missouri, and it designates the United States courthouse located in Cape Girardeau, Missouri as the Rush H. Limbaugh, Sr., United States Courthouse.

I also want to commend Mrs. EMERSON's commitment to this legislation. She recognized Rush Limbaugh, Sr.'s tremendous record of public service and has provided a fitting tribute for one of the most remarkable figures in Missouri history.

This bill honors Rush Limbaugh, Sr., a remarkable lawyer whose awards and accomplishments over a legal career that spanned eight decades are too numerous to count.

Mr. Limbaugh was born in 1891. He attended school at a one-room schoolhouse and excelled academically from the start. He attended the University of Missouri at Columbia and the University of Missouri School of Law, paying his way through school by doing carpentry work, working on a farm, waiting tables and firing furnaces.

After passing the bar in 1916, he was admitted into the practice of law in Missouri and immediately opened a law office in Cape Girardeau.

Limbaugh was known for being extremely hardworking and ethical; he was also known for his fiery advocacy and ability to craft creative solutions.

President Reagan once remarked that Limbaugh, Sr.'s contributions read like a virtual who's who of accomplishment. His resume accurately depicts the image of an extraordinary man, superb lawyer and model citizen.

During his career, he tried more than 60 cases before the Supreme Court of Missouri and acted as city attorney and general counsel of Cape Girardeau. He was also a member of the advisory committee for the drafting of the Probate Code of Missouri, president of the Missouri Bar, and president of the State Historical Society. In his free time, he also taught Sunday school and served as a Boy Scout leader.

Limbaugh, Sr. rose to national prominence when he served as a representative of the United States on a 6-week lecture tour to the newly independent India on constitutional government and the United States judicial system.

Limbaugh, Sr. called Cape Girardeau home. It is only fitting that we name the new United States courthouse in his honor and recognize his accomplishments and dedication to his community.

Mr. Speaker, I support this legislation and encourage my colleagues to do the same.

I would indicate to my good friend, the chairman of the full committee, that I have no additional speakers. If he is prepared to yield back, I would yield back my time.

Mr. OBERSTAR. I thank the gentleman for his comments; he added several items of which I was not aware about Judge Limbaugh's distinguished career.

I, too, do join in expressing our appreciation in the committee to Representative JO ANN EMERSON for her steadfast advocacy for this naming of the courthouse, and also to Representative RUSS CARNAHAN and Representative LACY CLAY, who also expressed their strong support for the legislation.

Mrs. EMERSON. Mr. Speaker, later this year, Cape Girardeau, Missouri, will open a new United States Federal Courthouse. Over the past many months, I have watched this structure rise, due to the diligent efforts of hundreds of skilled men and women working tirelessly to give justice a new home in our region. I am certainly thankful for their beautiful accomplishment, in the form of our new Courthouse.

At the same time, we should reflect on the people who dedicated their lives to the construction of a strong, vibrant and enduring rule of law in our region and our Nation.

Rush Hudson Limbaugh, Sr. perfectly embodies our respect for the law and love for our communities. His practice of law for more than 80 years, from 1916 to 1996, is the stuff of legends. At the age of his death, the 104-year-old resident of Cape Girardeau was still going in to his office twice a week. He was the Nation's oldest practicing attorney.

The litany of legal accomplishments of Rush Hudson Limbaugh, Sr. cloud our memory of the man. He helped construct the Missouri Probate Code and begin the Missouri Highway Patrol. He was sent to India to help shape the new legal code in that fledgling democracy. He advocated for the reach of the federal judiciary to extend outside American urban centers and into the rural parts of our great Nation.

Yet he was more than an attorney—Rush Hudson Limbaugh, Sr. was also devoted to his family, his faith, and his community. He taught Sunday School. He worked to help Cape Girardeau expand its commerce of goods as well as ideas. He devoted countless hours of his time to the Boy Scouts of America. We remember him as a good citizen as well as a good lawyer.

It is safe to say that, of the many hours of Rush Hudson Limbaugh, Sr.'s life, none of them were wasted. As we devote one hour of the United States House of Representatives to remember him, we are ensuring that Rush Hudson Limbaugh, Sr.'s legacy and example endure in the community he loved, on a building that carries on the work to which he was dedicated: the American promises of liberty and law, fundamental principles of fairness,

and a system of jurisprudence for all Americans that is the envy of the world.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 342, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the 'Rush Hudson Limbaugh, Sr. United States Courthouse'."

A motion to reconsider was laid on the table.

#### DIRECTING ADMINISTRATOR OF GENERAL SERVICES TO INSTALL A PHOTOVOLTAIC SYSTEM FOR THE HEADQUARTERS BUILDING OF THE DEPARTMENT OF ENERGY

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 798) to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy.

The Clerk read as follows:

H.R. 798

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, Southwest, Washington, D.C., commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, \$30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alterations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 798.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1615

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Over 30 years ago, Mr. Speaker, as a second-term Member of the House and serving on the Public Works Committee, as it was called then, and the Subcommittee of Public Buildings and Grounds, I heard an extraordinary presentation about the use of photovoltaics in public buildings and how, as a result of this study, energy could be saved, burning of fossil fuels could be avoided, and the Federal Government could save enormous amounts of energy costs by using a then-new technology known as photovoltaics.

I was so enthralled by the idea, I drafted legislation which I shared with my then-colleague in the Senate from the State of Minnesota, Senator Hubert Humphrey, who introduced the companion bill in the other body; and together we got the legislation enacted, signed by President Carter, funding for the first 3 years of a 3-year investment by the Federal Government in converting Federal civilian office space to photovoltaic energy. Unfortunately, President Carter lost the election. President Reagan came in and decided that the alternative energy program was an unnecessary investment of the Federal Government, and the entire alternative energy budget was deleted.

Years passed. Interest in photovoltaic cells continued. Research and development and testing and application in the private marketplace, as well as by government agencies, continued and the cost of photovoltaics dropped from \$1.75 a kilowatt hour in 1977 to about 25 cents a kilowatt hour today, compared to 7 cents produced by conventional fossil fuel power centers.

Well, I thought the time was ripe again for us to make another effort at having the Federal Government lead the way and being the template, being the exemplar in the marketplace for alternative energy use and deployment and reducing its cost.

So the bill that is before us today, it was reported, we had a hearing and markup in the subcommittee and markup in the full committee to use the Department of Energy headquarters as the exemplary facility for the Nation in use of photovoltaics. The Department of Energy building, just down the street from the Capitol, on Independence Avenue and what is also known as the Forrestal Building.

In 1999, our then-Secretary of Energy, Bill Richardson, conducted a national competition to get the best architectural firms to develop a conceptual design for a photovoltaic system



to be installed on the south wall of the Department of Energy. Solarnet, the winning design, will transform that south wall, which was deliberately built in a solid face with no windows and no doors. It will transform that rather ugly, nondescript wall into this very attractive piece that is depicted in the panels before us in the well of the House. But that solar wall will generate 460,000 kilowatts of energy. It is 300 feet long, 130 feet high, will contain 24,750 square feet of power-generating panels.

The Federal Government is the largest single consumer of energy in the country. We are in a unique position to show the rest of the Nation how to conserve energy, how to be efficient in doing it, and to do so with our trust of management of Federal civilian office space.

The Department of Energy estimated in 2005 that the cost of energy consumption of all forms by Federal agencies was \$14.5 billion; \$5.5 billion of that was spent on buildings and facilities, meaning electricity.

GSA, General Services Administration, manages 387.7 million square feet of non-military, non-postal civilian office space. It ought to set the stage, it ought to set the standard for the Nation in being energy efficient and reducing the cost to the taxpayer of operating these Federal buildings.

We ought to, also, change our management of Federal office space both in the construction and in the leasing of those office facilities to life-cycle cost considerations, not just the lowest initial cost of construction; but we are going to be the tenant, we are going to be the owner of those facilities, tenant in the leased operations and owner in those that are outright owned by the Federal Government for as long as we are in there, and we ought to do the best that we can for the taxpayer, and we ought to set the stage and help create a marketplace for production of photovoltaics that will, in volume production, reduce their cost.

Photovoltaics are very simple devices. The sun strikes a panel that has lines of filament that create resistance, transmit that resistance across a grid and collectively produce direct current electricity that is then converted into alternating current electricity. It can run all the lights, the elevators, the escalators, everything, computers, everything that uses electricity in the Department of Energy building, and have excess power at the end of the day to turn back into the Potomac Electric Power Company grid so that the electric meter will run backwards at the Department of Energy at the end of the day. That is what we ought to be doing. We can do that.

It is within our authority of this committee to set the stage for advances in technology. Already some 25 buildings of the Federal Government nationwide use photovoltaics in one way or another. The Department of Ag-

riculture does, also just down the street, Independence Avenue. The Park Service, the Forest Service, NOAA, on their weather buoys, the space program all use photovoltaics to gather information, transmit. The Highway Departments, on traffic monitoring signs, use photovoltaics, gathering electricity during the day, storing it in batteries and run those signs at night off solar power.

We are only addressing one project today, but that could be multiples in the future. And we are here doing what we can within our ability. It is not going to solve all of the problems of global climate change, but we have an obligation to do our part and to do what we can within this committee.

Toward that end, I thank the gentleman from Ohio (Mr. LATOURETTE) for his participation through the subcommittee and then to the full committee.

I thank our full committee ranking member, Mr. MICA, for his support and initiative on this matter and moving us to this point where we could pass this bill in the House.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to congratulate, again, the chairman of our full committee, Mr. OBERSTAR, for not only being the author of this legislation, but for bringing it to the floor in such an expeditious manner.

H.R. 798, introduced by Chairman OBERSTAR, directs the administrator of GSA to install a photovoltaic system at the headquarters building for the Department of Energy and authorizes appropriations to carry out the project. I know, when the chairman speaks of his passion, of what he speaks; and I know he has been committed for over 30 years to adding a solar energy component to the DOE headquarters building.

The photovoltaic system authorized by this bill to be installed at the Department of Energy building was chosen through a competitive process. In 1999 the U.S. Department of Energy National Renewable Energy Laboratory, in cooperation with the American Institute of Architects and the Architectural Engineering Institute, sponsored a design competition to select the winning sun wall design for the south wall of the new headquarters for the Department of Energy. The winning design, called the Solarnet, was selected from 151 entries. The winning design, as the chairman has mentioned, is 300 feet long, 130 feet high and incorporates 24,750 square feet of power generating panels. The DOE building was designed and constructed to include a solar energy system on the south wall, which was never constructed. Currently, the south wall is just a big expanse of concrete. H.R. 798 will complete what was left unfinished.

This project was previously authorized in the 109th Congress. Similar lan-

guage directing the administrator of GSA to install a photovoltaic system for the headquarters building was incorporated into the energy policy act of 2005.

Mr. Speaker, one of the first things you learn as a new Member of the Congress, and I believe the current occupant of the chair is a new Member of Congress, is that some of our colleagues know a little bit about a lot. Some know a lot about a little.

When you join the Transportation Committee, what you know about our chairman is he knows a lot about a lot. And it is not a surprise, nor is it ever a surprise when I go to a markup or a hearing and hear Chairman OBERSTAR talk about the history of steel or the history of transportation, or the transcontinental railroad. One of my favorites is always his focusing on 1956 and the opening of the Wellend Canal and what that meant to those of us in the Great Lakes.

But what I didn't know until I had the pleasure of chairing this subcommittee two or three Congresses ago was that he was such an expert on photovoltaic electricity. And one of the most pleasant hearings that I can recall having in that subcommittee was a hearing on this subject matter and listening to the gentleman from Minnesota expound on his 30-year quest.

And what I came away with from that hearing, and again being the beneficiary of his great knowledge, was the fact that if we had made the investment that the gentleman is talking about in this bill today 30 years ago, we would be talking about comparable rates of electricity generation. We wouldn't be talking about 25 cents a kilowatt hour. Perhaps we would be down in the 3 to 7 cent range, and the opportunity that has been wasted by not, in fact, making that investment back when the gentleman first came forward with Senator Humphrey to make this a reality.

And so I hope that this becomes the first of many pieces of legislation that the gentleman offers. And I will tell him that I will be supportive, not only of his present endeavor, but his future endeavors as well.

Again, I congratulate the gentleman for his 30-year pursuit of this goal, and I urge all of our colleagues to be supportive.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

I am very deeply touched by the gentleman's comments, Mr. Speaker. And I thank the gentleman for his thoughtfulness and for his very much appreciated comments about my service on the committee and my work over the many years.

I do recall the hearing that the gentleman chaired. He opened the hearing to the subject of photovoltaics. I remember that the gentleman did an enormous amount of homework, and he came to the hearing and surprised me

with a recitation of the evolution of photovoltaic cells and the different types of materials that go into the production of photovoltaic cells and their application in a wide diversity of uses.

The gentleman deserves enormous credit in his own right for his studious and thoughtful leadership on the committee and the several responsibilities that he has held, economic development and railroads and in the public buildings and grounds arena.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, before yielding to our next speaker, I just yield myself such time as I might consume. And I would just tell the chairman of the committee that I learned 12 years ago that if I was going to be in the same room with the gentleman, I had to do my homework, and so it was something that I knew I had to do.

Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I also want to thank Chairman OBERSTAR for bringing this legislation through committee and to the floor in a very expeditious way.

I rise today in support of the commonsense piece of legislation which I hope will serve as an example of working hard and smart toward energy independence in America.

I have long been a proponent of this kind of affordable alternative lighting method, and energy production method, and have voted before for increases in using solar panels which produce no air pollution or a single ounce of hazardous waste.

As the leader in securing our energy independence and promoting safe and effective energy alternatives, I fully support the Department of Energy's retrofitting of solar panels to reduce energy consumption and, in fact, retrofitting in other areas, Federal buildings with more such that we can get more efficient energy technology in place. I am confident that through the Department of Energy's leadership in utilizing this lighting technology, the United States, as a whole, can make significant progress towards greater energy efficiency and independence.

All of us in this room have said our Nation needs to be more energy independent.

□ 1630

There is no magic wand which will make it so. It takes many steps to get to the end of the path we are traveling, and it will take many people to make this goal a reality.

Today we have the opportunity to take another step down that path. I urge my colleagues to give us the means to take this step by passing H.R. 798.

I also want to commend Chairman OBERSTAR. Many years ago there was a country western song by Barbara Mandrell that said she was country be-

fore country was cool, through her song, and I would say that you are very much a proponent of this legislation, a proponent of these things when it wasn't cool. And as Mr. LATOURETTE said, perhaps if we had done some of those things many years ago, as you were insisting then, we would be in much better shape from an energy standpoint in our Nation today.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Again I thank the gentleman from Arkansas for his thoughtfulness. And I recall our very pleasant visit to his district on transportation and economic development issues many years ago when we saw so much of the progress that has been done through the Economic Development Administration, the need for highway investments, for which the gentleman has been a strong advocate. And I also remember a very special feeling, the presentation by the Fort Smith Chamber of Commerce of a unique award: a noose. I don't know what happened to it. I never did take possession of it to bring back with me, but someday I will make a return visit to Fort Smith. There is a long story we need not describe in this setting about Fort Smith and its role in the early days of territories and frontiers.

The sun wall design, as these posters describe it, will be a very attractive facility aesthetically but attractive energywise and more than a statement, a demonstration by the Federal Government, the leadership role that it can play and it should play in moving the Nation toward energy independence.

The Department of Energy conducted an analysis some time ago of the potential for photovoltaics and demonstrated that in a 100-mile by 100-mile square area of the Arizona desert, all the energy needs of the United States could be produced by photovoltaics. Well, we are making a start on that commitment with this legislation, moving in the right direction. It is long overdue, but we are making that step in the right direction.

I thank my colleagues on the committee, Chairman MICA for his willingness to move ahead with this legislation; and the gentleman from Ohio for his thoughtful and studious advocacy of the legislation; and Ms. NORTON, the Chair of our Public Buildings and Economic Development Subcommittee, for their participation in bringing the bill to this point.

If there are no further speakers, if the gentleman yields back, we will yield back our time.

Mr. LATOURETTE. Mr. Speaker, if I could just yield myself a moment to close before yielding back my time.

When the chairman was talking about Arkansas, I too had the pleasure of being in Arkansas, I think, before Mr. BOOZMAN was elected to the Congress, when one of the Hutchinsons was in that seat, and I had the pleasure of meeting John Paul Hammerschmidt, whom I know that the gentleman

knows and was fond of working with for so many years. Just to show how we all come from different places, I noticed that all the wildlife in Arkansas was nervous when we were down there, particularly the raccoons. And another one of our colleagues, MARION BERRY, was with us on that trip for the opening of a new airport, and he indicated that his largest fundraiser was a raccoon roast. And I had not experienced that until he I had gone down to the gentleman's district as well.

I urge passage of the bill, and I thank the gentleman very much.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I hope no raccoons will be caught in the energy wall because that is the sort of place that raccoons like to frequent.

Again, I thank my colleagues for their participation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 798.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EXPORTS TO CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-14)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify that the export to the People's Republic of China of the following items is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China:

Twenty Honeywell model QA 750 accelerometers to be incorporated into railway geometry measurement systems for China's Ministry of Railways.

Equipment and technology associated with the production and testing of composite components for Boeing commercial aircraft.

GEORGE W. BUSH.  
THE WHITE HOUSE, February 11, 2007.

**ECONOMIC REPORT—MESSAGE  
FROM THE PRESIDENT OF THE  
UNITED STATES (H. DOC. NO. 110-  
2)**

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

*To the Congress of the United States:*

Economic growth in the United States has been above the historic average and faster than any other major industrialized economy in the world. January was the 41st month of uninterrupted job growth produced by this economy, in an expansion that has thus far added more than 7.4 million new jobs. Unemployment is low, inflation is moderate, and real wages are rising. Our economy is on the move and we can keep it that way by continuing to pursue sound economic policy based on free-market principles.

Sound economic policy begins with low taxes. We should work together to spend the taxpayers' money wisely and to tackle unfunded liabilities inherent in entitlement programs such as Social Security, Medicare, and Medicaid. I have laid out a detailed plan in my budget to restrain spending, cut earmarks in half by the end of this session, and balance the budget by 2012 without raising taxes. The tax relief of the past few years has been a key ingredient in growing our economy, and it should be made permanent.

Our growing economy is dynamic. The rise of new technologies, new competition, and new markets abroad is changing how we do business. We need to take action in four key areas to keep America's economy flexible and dynamic.

First, we must break down barriers to trade so our workers can sell more goods and services to the 95 percent of the world's customers who live outside of our borders. Global trade talks like the Doha Round at the World Trade Organization have the potential to level the playing field so that we can compete on fair terms in foreign markets, while helping lift millions of people out of poverty around the world.

The only way we can complete the Doha Round and make headway on other trade agreements is to extend Trade Promotion Authority, which is set to expire on July 1st. This authority is essential to completing good trade agreements. The Congress must renew it if we are to improve our competitiveness in the global economy.

Second, we must work to make private health insurance more affordable and to give patients more choices and control over their health care. One of the most promising ways to do this is by reforming the tax code. We must end the unfair bias against individuals who buy insurance on their own. I propose creating a standard deduction for

every American who buys health insurance, whether they get it through their jobs or on their own. In a changing economy, we need a health care system that is flexible and consumer-oriented. With this reform, more than 100 million Americans who are now covered by employer-provided insurance will benefit from lower tax bills. Those who now purchase health insurance on their own would save money on their taxes. Millions of others who now have no health insurance at all would find basic private coverage within their reach. My proposal also taps the innovation of States in making basic, affordable insurance available to all by creating Affordable Choices grants to help ensure the poor and the sick have access to private health insurance.

Third, we must continue to diversify our energy supply to benefit our economy, national security, and environment. In my State of the Union Message, I set an ambitious goal of reducing gasoline usage in the United States by 20 percent over the next 10 years. Meeting this goal will require significant changes in supply and demand, but we should let the market decide the best mix of technologies and fuels to most efficiently attain it. On the supply side, I propose a higher and reformed fuel standard that would include renewable and other alternative fuels. We should also allow environmentally friendly exploration of oil and natural gas. On the demand side, I propose enhancing Corporate Average Fuel Economy standards for cars and extending the current rule for light trucks, so that we can reduce the amount of gasoline that our passenger vehicles consume, and do so in a more efficient way.

Fourth, a strong and vibrant education system is vital to maintaining our Nation's competitive edge in the world and extending economic opportunity to every citizen here at home. Five years ago, we rose above partisan differences to enact the No Child Left Behind Act, preserving local control, raising standards, holding schools accountable for results, and providing more choice. This year, we must reauthorize and strengthen this good law while preserving its core principles.

Strong productivity growth underlies much of the good economic news from the past few years and the policies discussed above. Productivity growth helps to increase our standards of living and improve our international competitiveness. To maintain this progress, we must pursue a variety of pro-growth policies, including those contained in the American Competitiveness Initiative and comprehensive immigration reform.

These and other issues are discussed in the 2007 Annual Report of the Council of Economic Advisers. The Council has prepared this Report to put into broader context the economic issues that underlie my Administration's policy decisions. I commend it to you.

GEORGE W. BUSH.  
THE WHITE HOUSE, February 2007.

**RECESS**

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 o'clock and 30 minutes p.m.

**ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 134, by the yeas and nays;

H. Con. Res 44, by the yeas and nays.

Votes on motions to suspend the rules with respect to H. Res 122 and H.R. 437 will be taken on a later date.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

**RECOGNIZING AND HONORING THE  
EMPLOYEES OF THE DEPARTMENT  
OF HOMELAND SECURITY**

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 134.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the resolution, H. Res. 134, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 93]

YEAS—412

Abercrombie	Berman	Brady (TX)
Ackerman	Berry	Braley (IA)
Aderholt	Biggert	Brown (SC)
Akin	Bilbray	Brown, Corrine
Alexander	Bilirakis	Brown-Waite,
Allen	Bishop (GA)	Ginny
Altmire	Bishop (NY)	Buchanan
Andrews	Bishop (UT)	Burgess
Arcuri	Blackburn	Burton (IN)
Baca	Blumenauer	Butterfield
Bachmann	Blunt	Buyer
Bachus	Boehner	Calvert
Baird	Bonner	Camp (MI)
Baker	Bono	Campbell (CA)
Baldwin	Boozman	Cannon
Barrett (SC)	Boren	Cantor
Barrow	Boswell	Capito
Bartlett (MD)	Boucher	Capps
Barton (TX)	Boustany	Capuano
Bean	Boyd (FL)	Cardoza
Becerra	Boyda (KS)	Carnahan
Berkley	Brady (PA)	Carney

Carson	Hill	Miller (NC)	Souder	Towns	Weiner	Castor	Hodes	Mollohan
Carter	Hinojosa	Miller, Gary	Space	Turner	Welch (VT)	Chabot	Holden	Moore (KS)
Castle	Hirono	Miller, George	Spratt	Udall (CO)	Weldon (FL)	Chandler	Holt	Moore (WI)
Castor	Hobson	Mitchell	Stark	Udall (NM)	Weller	Clarke	Honda	Moran (KS)
Chabot	Hodes	Mollohan	Stearns	Upton	Westmoreland	Clay	Hooley	Moran (VA)
Chandler	Holden	Moore (KS)	Stupak	Van Hollen	Wexler	Cleaver	Hoyer	Murphy (CT)
Clarke	Holt	Moore (WI)	Sullivan	Velázquez	Whitfield	Clyburn	Hulshof	Murphy, Patrick
Clay	Honda	Moran (KS)	Sutton	Visclosky	Wicker	Coble	Hunter	Murphy, Tim
Cleaver	Hooley	Moran (VA)	Tancred	Walberg	Wilson (NM)	Cohen	Inglis (SC)	Musgrave
Clyburn	Hoyer	Murphy (CT)	Tanner	Walden (OR)	Wilson (OH)	Cole (OK)	Inslee	Myrick
Coble	Hulshof	Murphy, Patrick	Tauscher	Walsh (NY)	Wilson (SC)	Conaway	Israel	Nadler
Cohen	Hunter	Murphy, Tim	Taylor	Walz (MN)	Wolf	Conyers	Issa	Napolitano
Cole (OK)	Inglis (SC)	Murtha	Terry	Wamp	Woolsey	Cooper	Jackson (IL)	Neugebauer
Conaway	Inslee	Musgrave	Thompson (CA)	Wasserman	Wu	Costa	Jackson-Lee	Nunes
Conyers	Israel	Myrick	Thompson (MS)	Schultz	Wynn	Costello	(TX)	Oberstar
Cooper	Issa	Nadler	Thornberry	Waters	Yarmuth	Courtney	Jefferson	Obey
Costa	Jackson (IL)	Napolitano	Tiahrt	Watson	Young (AK)	Crenshaw	Jindal	Oliver
Costello	Jackson-Lee	Neugebauer	Tiberi	Watt	Young (FL)	Crowley	Johnson (GA)	Ortiz
Courtney	(TX)	Nunes	Tierney	Waxman		Cubin	Johnson, Sam	Pallone
Crenshaw	Jefferson	Oberstar				Cuellar	Jones (NC)	Pascarell
Crowley	Jindal	Obey				Culberson	Jones (OH)	Pastor
Cubin	Johnson (GA)	Oliver	Cramer	Herger	Neal (MA)	Cummings	Jordan	Paul
Cuellar	Johnson, Sam	Ortiz	Davis, Jo Ann	Hinchey	Norwood	Davis (AL)	Kanjorski	Payne
Culberson	Jones (NC)	Pallone	Doolittle	Hoekstra	Peterson (PA)	Davis (CA)	Kaptur	Pearce
Cummings	Jones (OH)	Pascarell	Edwards	Johnson (IL)	Rush	Davis (IL)	Keller	Pence
Davis (AL)	Jordan	Pastor	Ellison	Johnson, E. B.	Scott (GA)	Davis (KY)	Kennedy	Perlmutter
Davis (CA)	Kanjorski	Paul	Ferguson	Kagen	Shimkus	Davis, Lincoln	Kildee	Peterson (MN)
Davis (IL)	Kaptur	Payne	Gutierrez	McKeon		Davis, Tom	Kilpatrick	Petri
Davis (KY)	Keller	Pearce	Hastert	Meeks (NY)		Deal (GA)	Kind	Pickering
Davis, David	Kennedy	Pence				DeFazio	King (IA)	Pitts
Davis, Lincoln	Kildee	Perlmutter				DeGette	King (NY)	Platts
Davis, Tom	Kilpatrick	Peterson (MN)				Delahunt	Kingston	Poe
Deal (GA)	Kind	Petri				DeLauro	Kirk	Pomeroy
DeFazio	King (IA)	Pickering				Dent	Klein (FL)	Porter
DeGette	King (NY)	Pitts				Diaz-Balart, L.	Kline (MN)	Price (GA)
Delahunt	Kingston	Platts				Diaz-Balart, M.	Knollenberg	Price (NC)
DeLauro	Kirk	Poe				Dicks	Kucinich	Pryce (OH)
Dent	Klein (FL)	Pomeroy				Dingell	Kuhl (NY)	Putnam
Diaz-Balart, L.	Kline (MN)	Porter				Doggett	LaHood	Radanovich
Dicks	Knollenberg	Price (GA)				Donnelly	Lamborn	Rahall
Dingell	Kucinich	Price (NC)				Doyle	Lampson	Ramstad
Doggett	Kuhl (NY)	Pryce (OH)				Drake	Langevin	Rangel
Donnelly	LaHood	Putnam				Dreier	Lantos	Regula
Doyle	Lamborn	Radanovich				Duncan	Larsen (WA)	Rehberg
Drake	Lampson	Rahall				Ehlers	Larson (CT)	Reichert
Dreier	Langevin	Ramstad				Ellsworth	Latham	Renzi
Duncan	Lantos	Rangel				Emanuel	LaTourette	Reyes
Ehlers	Larsen (WA)	Regula				Emerson	Lee	Reynolds
Ellsworth	Larson (CT)	Rehberg				Engel	Levin	Rodriguez
Emanuel	Latham	Reichert				English (PA)	Lewis (CA)	Rogers (AL)
Emerson	LaTourette	Renzi				Eshoo	Lewis (GA)	Rogers (KY)
Engel	Lee	Reyes				Etheridge	Lewis (KY)	Rogers (MI)
English (PA)	Levin	Reynolds				Everett	Linder	Rohrabacher
Eshoo	Lewis (CA)	Rodriguez				Fallin	Lipinski	Ros-Lehtinen
Etheridge	Lewis (GA)	Rogers (AL)				Farr	LoBiondo	Roskam
Everett	Lewis (KY)	Rogers (KY)				Fattah	Loeb	Ross
Fallin	Linder	Rogers (MI)				Feeney	Lofgren, Zoe	Rothman
Farr	Lipinski	Rohrabacher				Filner	Lowey	Roybal-Allard
Fattah	LoBiondo	Ros-Lehtinen				Flake	Lucas	Royce
Feeney	Loeb	Roskam				Forbes	Lungren, Daniel	Ruppersberger
Filner	Lofgren, Zoe	Ross				Fortenberry	E.	Ryan (OH)
Flake	Lowey	Rothman				Fossella	Lynch	Ryan (WI)
Forbes	Lucas	Roybal-Allard				Fox	Mack	Salazar
Fortenberry	Lungren, Daniel	Royce				Frank (MA)	Mahoney (FL)	Sali
Fossella	E.	Ruppersberger				Franks (AZ)	Maloney (NY)	Sánchez, Linda
Fox	Lynch	Ryan (OH)				Frelinghuysen	Manzullo	T.
Frank (MA)	Mack	Ryan (WI)				Gallegly	Marchant	Sanchez, Loretta
Franks (AZ)	Mahoney (FL)	Salazar				Garrett (NJ)	Markey	Sarbanes
Frelinghuysen	Maloney (NY)	Sali				Gerlach	Marshall	Saxton
Gallegly	Manzullo	Sánchez, Linda				Giffords	Matheson	Schakowsky
Garrett (NJ)	Marchant	T.				Gillchrest	Matsui	Schiff
Gerlach	Markey	Sanchez, Loretta				Gillibrand	McCarthy (CA)	Schmidt
Giffords	Marshall	Sarbanes				Gillmor	McCarthy (NY)	Schwartz
Gilchrest	Matheson	Saxton				Gingrey	McCaul (TX)	Scott (VA)
Gillibrand	Matsui	Schakowsky				Gohmert	McCaul (TX)	Scott (VA)
Gillmor	McCarthy (CA)	Schiff				Gonzalez	McCollum (MN)	Sensenbrenner
Gingrey	McCarthy (NY)	Schmidt				Goode	McCotter	Serrano
Gohmert	McCaul (TX)	Schwartz				Goodlatte	McCrery	Sessions
Gonzalez	McCollum (MN)	Scott (VA)				Gordon	McDermott	Sestak
Goode	McCotter	Sensenbrenner				Granger	McGovern	Shadegg
Goodlatte	McCrery	Serrano				Graves	McHenry	Shays
Goodlatte	McDermott	Sessions				Green, Al	McHugh	Shea-Porter
Gordon	McGovern	Sestak				Green, Gene	McIntyre	Sherman
Granger	McHenry	Shadegg				Grijalva	McMorris	Shuler
Graves	McHugh	Shays				Hall (NY)	Rodgers	Shuster
Green, Al	McIntyre	Shea-Porter				Hall (TX)	McNerney	Simpson
Green, Gene	McMorris	Sherman				Hare	McNulty	Sires
Grijalva	Rodgers	Shuler				Harman	Meehan	Skelton
Hall (NY)	McNerney	Shuster				Hastings (FL)	Meek (FL)	Slaughter
Hall (TX)	McNulty	Simpson				Hastings (WA)	Melancon	Smith (NE)
Hare	Meehan	Sires				Hayes	Mica	Smith (NJ)
Harman	Meek (FL)	Skelton				Heller	Michaud	Smith (TX)
Hastings (FL)	Melancon	Slaughter				Hensarling	Millender	Smith (WA)
Hastings (WA)	Mica	Smith (NE)				Hersteth	McDonald	Snyder
Hayes	Michaud	Smith (NJ)				Higgins	Miller (FL)	Solis
Heller	Millender	Smith (TX)				Hill	Miller (MI)	Souder
Hensarling	McDonald	Smith (WA)				Hinojosa	Miller (NC)	Space
Hersteth	Miller (FL)	Snyder				Hirono	Miller, Gary	Spratt
Higgins	Miller (MI)	Solis				Hobson	Mitchell	Stark
								Stearns

## NOT VOTING—22

Mr. CONAWAY and Mr. BERRY changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HONORING AND PRAISING THE NAACP ON THE OCCASION OF ITS 98TH ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 44.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 44, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 24, as follows:

[Roll No. 94]

YEAS—410

Abercrombie	Berry	Brown (SC)
Ackerman	Biggart	Brown, Corrine
Aderholt	Bilbray	Brown-Waite,
Akin	Bilirakis	Ginny
Alexander	Bishop (GA)	Buchanan
Allen	Bishop (NY)	Burgess
Altmore	Bishop (UT)	Burton (IN)
Andrews	Blackburn	Butterfield
Arcuri	Blumenauer	Buyer
Baca	Blunt	Calvert
Bachmann	Boehner	Camp (MI)
Bachus	Bonner	Campbell (CA)
Baird	Bono	Cannon
Baker	Boozman	Cantor
Baldwin	Boren	Capito
Barrett (SC)	Boswell	Capps
Barrow	Boucher	Capuano
Bartlett (MD)	Boustany	Cardoza
Bartlett (TX)	Boyd (FL)	Carnahan
Bean	Boyd (KS)	Carney
Becerra	Brady (PA)	Carson
Berkley	Brady (TX)	Carter
Berman	Braley (IA)	Castle

Stupak	Udall (NM)	Welch (VT)
Sullivan	Upton	Weldon (FL)
Sutton	Van Hollen	Weller
Tancredo	Velázquez	Westmoreland
Tanner	Visclosky	Wexler
Tauscher	Walberg	Whitfield
Taylor	Walden (OR)	Wicker
Terry	Walsh (NY)	Wilson (NM)
Thompson (CA)	Walz (MN)	Wilson (OH)
Thompson (MS)	Wamp	Wilson (SC)
Thornberry	Wasserman	Wolf
Tiahrt	Schultz	Woolsey
Tiberi	Waters	Wu
Tierney	Watson	Wynn
Towns	Watt	Yarmuth
Turner	Waxman	Young (AK)
Udall (CO)	Weiner	Young (FL)

## NOT VOTING—24

Cramer	Hastert	Meeks (NY)
Davis, David	Herger	Murtha
Davis, Jo Ann	Hinchey	Neal (MA)
Doolittle	Hoekstra	Norwood
Edwards	Johnson (IL)	Peterson (PA)
Ellison	Johnson, E. B.	Rush
Ferguson	Kagen	Scott (GA)
Gutierrez	McKeon	Shimkus

□ 1905

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 93 and 94.

## PERSONAL EXPLANATION

Mr. ELLISON. Mr. Speaker, on rollcall Nos. 93 and 94, for travel reasons I was unable to be present for the vote. Had I been present, I would have voted "yea" on both.

## ELECTION OF MINORITY MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution H. Res. 153) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 153

*Resolved*, That the following named members be and are hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. Bonner, Mr. Barrett of South Carolina, Mr. Kline, and Mr. McCaul of Texas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ZEBULON, NORTH CAROLINA

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Mr. Speaker, tonight I rise to pay tribute to "The Town of Friendly People,"

Zebulon, North Carolina, which celebrates its 100th birthday this year.

Zebulon was founded on February 16, 1907, and was named to honor Zebulon Baird Vance, North Carolina's Governor during the Civil War. Governor Vance insisted, even in the midst of confusion and destruction of the Civil War, on maintaining the rule of law. North Carolina courts continued to function throughout the war, and North Carolina was the only State that never suspended the writ of habeas corpus.

Some of the early businesses in the town of Zebulon belonged to African American residents, like Surratt Dillard, who owned the town's first restaurant. The Wakelon School Building was built in 1909, telephones came to the town in 1911, and the first electric light system was installed in 1916. Today, some of the Nation's leading companies have chosen Zebulon as the place to do business.

In the past 100 years, the town size has grown by nearly 10 times, and nearly 5,000 folks now call Zebulon home.

I join the residents of Zebulon in their centennial celebration and I continue to work on the town's behalf.

## CONGRESSIONAL INACTION JEOPARDIZES ILLEGAL DRUG ENFORCEMENT IN WHEELER COUNTY

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, Congress still has not passed the Secure Rural Schools and Community Self Determination Act reauthorization. So what does that mean? For Wheeler County, Oregon, it means the sheriff's department will lay off a quarter of their workforce. Now, the force is only four deputies, four deputies including the sheriff, but they are responsible for patrolling 1,833 square miles. That is an area 30 times the size of the District of Columbia.

Last year, a deputy found 6,000 marijuana plants worth over \$19 million spread over a quarter of a mile of Federal land. This operation was financed by Mexican drug cartels and cultivated by illegal aliens.

When my office inquired further, we found out that the deputy of Wheeler County who was out patrolling was doing so on horseback on your Federal lands. That is where he is protecting America from drug cartels and those that push this on our kids.

The sheriff says, "Cutting these funds will increase criminal activity on our Federal lands."

The county judge says, "County payments has been our savior." And this Congress, this Congress and the last one, have failed to reauthorize county payments.

It is time you pass H.R. 17.

## IN MEMORY OF U.S. ARMY SPECIALIST CARLA JANE STEWART

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I rise today to honor the memory of my constituent, Army Specialist Carla Jane Stewart of the 250th Transportation Company based in El Monte, California. Specialist Stewart was killed in action on January 28, 2007 in Tallil, Iraq, when her military convoy vehicle overturned.

Carla was born in La Canada Flintridge, California to an Armenian American family. Her father, Edmond Aprahamian, a former Marine, and her mother, Emmy Aprahamian, are proud parents who will cherish the memory of their daughter who chose to enlist in the U.S. Army at the age of 35. After completing her basic training at Fort Jackson, South Carolina, she told her family and friends that if her unit was not deployed to Iraq, that she would volunteer to go. As it turned out, the 250th was deployed to Iraq last year and is due to return home in March.

Carla learned mechanical drafting alongside her father. Her family and friends have spoken with reverence of her distinctive commitment to duty, her dedication to her unit, her love of country and family. According to her father, Carla always had a smile. She was a small woman; her unit called her Stewart Little, but she was gutsy and in every other way giant.

It takes a special commitment to volunteer for military service in a time of war, and even greater devotion to country to do so at the age of 35, a time when most of us have put aside thoughts of abandoning the comfort of home to take up arms in the fight for liberty and freedom. Specialist Carla Jane Stewart did both, and on behalf of the United States House of Representatives, we honor her memory.

## RECOGNIZING STAX RECORDS FOR ENRICHING THE NATION'S CULTURAL LIFE WITH "50 YEARS OF SOUL"

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I rise to introduce a resolution honoring Stax Records.

Soul music is a uniquely American art form that has enriched the Nation's cultural life. Indeed, its profound influences over popular music continues to be heard on today's music.

Stax Records, founded in Memphis 50 years ago, played a crucial role in soul music's rise to prominence. As such, it is an icon of the American recording industry. In fact, its iconic status was recognized by NARAS last night during the Grammys, when Stax legends Booker T. and the M.G.'s and their Green Onions, and Stax co-founder Estelle Axton were honored.

Isaac Hayes, Otis Redding, the Staple Singers, Wilson Pickett, Luther Ingram, Albert King, the Bar-Kays, Johnnie Taylor, and Rufus and Carla Thomas are just a few of the many singers and musicians who started at Stax.

This year, the Memphis Convention and Visitors Bureau, Concord Music Group, Stax Records, and the Soulful Foundation will be celebrating both Memphis soul music, American soul music, and the 50th anniversary of Stax's founding. Therefore, I am introducing this resolution today to recognize Stax's and soul music's enormous contribution to America's cultural fabric, and ask my colleagues, including Congressman MILLER, to recognize Memphis and soul music.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### UNITED STATES BORDER PATROL AGENTS CAMPION AND RAMOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, tonight I won't take nearly the 5 minutes that I have allotted, but I and many Members of the House have been trying to help two border agents, Border Agent Campion, and Border Agent Ramos, who are now serving 1 to 11 years in Federal prison, the other for 12 years in Federal prison for shooting a drug smuggler.

What makes this so sad, quite frankly, Mr. Speaker, is these men have had a wonderful record of serving the American people on the borders of this country, trying to help defend America from those who want to come to this country illegally, and especially those who have drugs or may be terrorists, quite frankly.

But these two men were found guilty in a Federal court, and I am afraid that all the information that could have been used to help these two men not go to prison was under seal. That is a legal issue, and I won't speak to that, but I will say that I want the people to know tonight, my colleagues here in the House, that the drug smuggler who had a record of smuggling drugs from Mexico to America was the one that they shot when he was trying to escape after his van crashed with 743 pounds of marijuana. These men thought they were doing their duty for this country, and therefore they shot at this drug smuggler as he was leaving. The bullet actually went through the buttocks and went out, and according to the medical examiner that meant that he was turned like he was going to face them and possibly, if he had a weapon,

fire at them. They thought he had a weapon.

□ 1915

Mr. Speaker, the sad thing is that Agent Ramos 2 weeks ago was beaten in a Federal prison. These men, their lives are at stake, and we call upon the White House to look seriously at this case.

We think there are legal questions as to the indictment and to the process itself. We would like for the White House and the Attorney General's office to look seriously at whether these men should at least be given some type of pardon while their hearings are being heard. But we are calling on the White House to please look seriously at giving these two men an opportunity for pardon, because I do not know how we can say to the American people that our law enforcement, who are trying to protect this country from those who are invading this country, whether they be from Canada and Mexico, and yet with our border agents do the best job they can under very, very difficult situations, then they end up spending 11 and 12 years in Federal prison.

Again, in closing, and I will be closing, we are asking the administration to look carefully at the possibility of a pardon. There are many Members of the House, both Republican and Democrat, that are concerned about this case.

In fact, today, Senator FEINSTEIN from California, a Democrat, called upon Mr. LEAHY, chairman of the Judiciary Committee, to look into this case.

Mr. Speaker, with that, I will close by asking the President to please show the families of Mr. Compean and Mr. Ramos that justice does prevail in America if you are trying to defend the Constitution and defend the people of America.

#### OPIUM TRAFFICKING IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as this body plans to debate tomorrow the ongoing war in Iraq, I come to the floor this evening to discuss what I feel is the forgotten war, the United States' war on terror in Afghanistan.

I have stressed on numerous occasions the importance of the United States not losing sight of the real front in the war on terror in Afghanistan. Too often, the Bush administration has placed all of its efforts into fighting the war in Iraq while the Taliban and al Qaeda increased their presence in Afghanistan and western Pakistan.

It was promising to see Secretary of State Robert Gates visit Pakistan this weekend to meet with Pakistani President Musharraf. Unfortunately, Secretary Gates stated that the meeting was, and I quote, not aimed at securing

the assurance of action from Pakistan. As I have stated before, assurances of action are exactly what the United States must demand from Pakistan at this time.

President Musharraf has acknowledged that his country's Frontier Guards have allowed insurgents to pass freely at the border shared by Afghanistan and Pakistan. If the Pakistani President is fully aware of Taliban insurgents crossing the border, why is he not taking the necessary steps to bring an end to these violations?

Mr. Speaker, in Afghanistan the Taliban seems to be ramping up its efforts and possibly planning a spring offensive. Last week in a speech on the House floor, I mentioned a town in southern Afghanistan, Musa Qala, which has been overrun by forces despite a peace deal brokered between local leaders and NATO-led forces. This deal called for the local leaders to take control of the town and ensure that Taliban fighters not create a stronghold in the area.

Unfortunately, these deals failed, and this week it has been reported that roughly 1,500 families have fled Musa Qala and, as an anonymous Taliban commander has claimed, there are thousands of Taliban in the region preparing for a possible attack by United States or NATO forces.

Now, it is extremely important for the United States to step up its efforts in this deteriorating country. Of particular significance is the alarming rate at which the opium trade is growing in Afghanistan. According to the U.N. Office on Drugs and Crime, opium poppy production reached a record 6,100 metric tons last year, and this is 49 percent greater than the total in 2005.

Corruption is rampant within the opium trade, and the Taliban not only profit by selling and trading the opium, but also through providing protection to opium farmers and traders. Corruption is so pervasive that police chief posts in poppy-growing districts are auctioned off for as much as \$100,000 for a 6-month appointment.

While these police chiefs will only make \$60 a month, they know the kickbacks they will receive from working with the opium farmers and the Taliban will be extremely financially rewarding. Now, some claim that the U.S. and NATO should simply fly over Afghanistan and spray chemicals over all the opium fields to destroy the crops; but not only will this cause environmental and health damage, but it will also raise the price of opium and drive farmers towards the Taliban insurgents.

What the U.S. should do instead is use the additional aid that it plans to send to Afghanistan this year to bolster rural development in poppy-growing areas. This money must also be used to create new rural industries so the farmers will have options other than growing poppy and participating in the illicit opium trade.

The main goal of U.S. efforts to eradicate the illicit opium trade should



be to target illegal drug traffickers and corrupt officials such as police chiefs. Our government must couple this with aid to the rural poor in Afghanistan in order to provide financial alternatives to the illicit opium trade.

Mr. Speaker, as my colleagues and I debate the merits of the President's plan to escalate the war in Iraq, which I oppose, it is important for us not to forget where the real war on terror continues today in Afghanistan. The United States must intensify its redevelopment efforts in Afghanistan as an alternative to the opium trade, which is only providing further financial backing for the Taliban-led insurgency.

#### A LITTLE GIRL'S DAY IN COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, 9-year-old Jessica Lunsford was a bright, talented and energetic little girl. She lived with her father, Mark, who was a single parent, trying to raise three children. He also lived with her grandparents, Mark's parents, who loved her as much. Jessica was a great kid. Everybody thought the world of her, and she took care of the family just like they took care of her.

Mark even moved to Florida to protect his children, thinking they would be safer in south Florida than they were where they lived. That is when the tragedy began. Almost 2 years ago, on the evening of February 23, 2005, the Lunsfords lives were changed forever.

Among the shadows of a warm Florida night, there was a perpetrator running loose. He was stalking the Lunsford home, and he was watching 9-year-old Jessica Lunsford for several days. He waited till everyone in the house was asleep, and the outlaw in the middle of the night snuck into the Lunsford home, crept down a darkened hallway, and kidnapped Jessica Lunsford from the safety of her open home in the middle of the night.

The search for Jessica, 9-year-old happy girl, went on for several weeks. Hundreds of volunteers were involved. Finally, a neighbor, and repeat sex offender, John Couey, was arrested for her murder.

Couey was a registered sex offender, but, of course, he was on the lam. He had run. He had disappeared. Couey confirmed what the police had already suspected against him, and he had kidnapped Jessica. He sexually assaulted her numerous times, and he held her captive for several days.

Mr. Speaker, when he was not abusing this little girl, he stuffed her in a closet. Then when he was ready to abuse her again, he would pull her out and have his way with her.

When he realized that the sheriff's department was out to get him, knew that he was the culprit, he decided he had to remove the evidence, this little girl. So he tied Jessica Lunsford's

hands and feet together with stereo wire. He went out into the yard, he dug a hole, he came back into the house, his own home, put two trash bags over Jessica Lunsford, picked her up and threw her in the hole. Yes, he buried that 9-year-old girl alive.

When she was found several days later, she had poked her fingers through the plastic bags seeking the air of freedom, freedom that never came. Couey admitted everything that I just told you to the police, in every detail.

But while he was confessing to these horrors he inflicted on Jessica, he asked for a lawyer. Unfortunately, the police ignored his request, and this would cause Couey's confession to be inadmissible as evidence against him. You see, when a defendant asks for a lawyer, he must be given one right away or the statements he makes will not be admissible in court.

However, even without this confession, there is a lot of evidence against Couey to prove his guilt. After 2 years and several delays, Couey is standing trial for his evil deeds. Today, John Couey is sitting in a Miami courthouse as jury selection begins. Twelve men and women are being asked to decide his guilt in his crime against this little girl.

Jessica has been needing justice for 2 years. Her family has been waiting for 2 years for this justice. As a father of three girls and three granddaughters, I know how important little girls are to a father like Mark Lunsford, and he has lost his little girl.

You know, as a society, as a culture, as a Nation, we are never going to be judged by the way we treat the rich, the famous, the powerful, the important folks. We will be judged by the way we treat the weak, the innocent, the elderly, and, yes, the children, the Jessicas of the world.

So the State of Florida and this jury need to give John Couey, sex offender, child killer, his day in court. When the evidence is in, hopefully the words of this country song will ring true when it says: "A man had to answer for the wicked that he done," because "justice is the one thing you should always find. You got to draw a hard line" in the sand. "We got too many gangsters doing dirty deeds. We've got too much corruption, too much crime in the streets. It's time the long arm of the law put a few more in the ground," because justice is the one thing you should always find.

And that's just the way it is.

#### BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tomorrow this House will begin a debate on Iraq. This is the first of a series of debates that we must have on the House floor. It is a resolution. It reflects

President Bush's plan to escalate the occupation of Iraq, and it will be a clean up or down vote.

I commend the Democratic leadership for providing a time for every single Member of this body to come to the floor and have their say. If you support escalation, you vote "yes." If not, you vote "no." I will support the legislation as a very important first step in this debate.

But after that, Congress must go on record in opposition of the war in general. First we have to go on record in opposition of escalation, and then we must change our course and lay out a plan to bring our troops home. There have been many, many ideas, both inside and outside of Congress, to plan for an end to this occupation of Iraq.

Few are as comprehensive as H.R. 508, the Bring the Troops Home and Iraq Sovereignty Act. I introduced this bill last month and have 34, 35 cosponsors today, with more interest expressed every single day.

H.R. 508 will end the occupation of Iraq within 6 months of passage. It will accelerate the training and equipping of Iraqi military and security forces while preparing to bring our troops and contractors out of Iraq safely.

It will commit to working with the international community to assist the Iraqis in rebuilding and in reconciliation if they agree and want us to be there. H.R. 508 will fully fund the health care commitment to our returning veterans. Additionally, the bill revokes the President's Iraq war powers, prevents the establishment of permanent bases in Iraq, and returns the oil rights to the Iraqi people.

We owe it to our brave men and brave women in uniform and to the Iraqi people to bring our troops home now. Let us be honest, the Iraqis don't want us there. They view us as an occupying force. They want to be strengthening their security forces, and they want to establish a reliable and dependable infrastructure and provide for their most basic needs like sanitation, health care, and education.

We can assist them; but in the end, Iraq must belong to the Iraqi people. Having learned from our past, we will never turn our backs on the returning troops, those who have been put in an unimaginable position. They have seen death; they have seen destruction up close, in a way many of us will never understand. They are returning with scars, both visible and invisible. The least we can do is fulfill our commitment to them by fully funding the medical services they have been promised. This is not a gift we are giving them. This is a right, this is an entitlement.

So I rise tonight, and I will rise again during the three days of debate to signal my support for the upcoming resolution as a very important first step: my support for the troops and their promised benefits, my support for the American people, who want our troops home.

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The SPEAKER pro tempore (Mr. ALTMIRE). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EVEN THE SOLDIERS WILL TELL YOU THAT NOTHING IS GOING TO HELP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, as the previous speaker just mentioned, tomorrow we will begin debating the Iraq war surge resolution. George Will, the conservative columnist wrote in opposition to this surge and said it would take a miracle for the surge to succeed.

Dick Arme, our former majority leader, in an interview with a major newspaper chain said just a few days ago that he deeply regretted voting to go to war in Iraq, and said, "Had I been more true to myself and the principles I believed in at the time, I would have openly opposed the whole adventure vocally and aggressively."

William F. Buckley, Jr., often called the godfather of conservatism, wrote in 2004 that if he had known in 2002 what he knew in 2004 he would have opposed the war. Chris Matthews on Election Night said, "The decision to go to war in Iraq was not a conservative decision historically," and he said it asked Republicans, "to behave like a different people than they intrinsically are."

And that confirmed what I have said many times on this floor, that the war in Iraq went against every traditional conservative position I have ever known. I would like to read into the RECORD at this time a column that I wrote for the Nashville Tennessean, Tennessee's largest circulation daily.

I wrote this. "I voted against going to war in Iraq when Congress voted on this in October of 2002. And I am opposed to sending more U.S. troops there now. President Bush has said repeatedly that he is going to listen mainly to his commanders. I wish he would listen to Specialist Don Roberts, 22, of Paonia, Colorado, now in his second tour in Iraq, who told the Associated Press: 'What could more guys do? We cannot pick sides. It is like we have to watch them kill each other then ask questions.'"

Sergeant Josh Keim, of Canton, Ohio, also on his second term said, "nothing is going to help. It is a religious war and we are caught in the middle of it."

Saddam Hussein was an evil man, but he had a total military budget only a little over two-tenths of 1 percent of ours, most of which he spent protecting himself and his family and building castles.

He was no threat to us at all. As the conservative columnist Charley Reese has written several times, Iraq did not threaten us with war. They did not attack us, and were not even capable of attacking us.

But even before the war started, Fortune Magazine had an article saying that an American occupation of Iraq would be "prolonged and expensive" and would make U.S. soldiers "sitting ducks for Islamic terrorists."

Now we have had more than 3,000 Americans killed, many thousands more wounded horribly, and have spent \$400 billion, and the Pentagon wants \$170 billion more.

Most of what we have spent has been purely foreign aid in nature: rebuilding Iraq's infrastructure, giving free medical care, training police, giving jobs to several hundred thousand Iraqis and on and on. Our Constitution does not give us the authority to run another country as we have in reality been doing in Iraq.

With a national debt of almost \$9 trillion, we cannot afford it. To me our misadventure in Iraq is both unconstitutional and unaffordable. Some have said it was a mistake to start this war but that now that we are there we have to finish the job, and we cannot cut and run. Well, if you find out you are going the wrong way down the interstate, you do not keep going, you get off at the next exit.

Very few pushed as hard for us to go to war in Iraq as did syndicated columnist Charles Krauthammer. Last week he wrote that the Maliki government we have installed there cares only about making sure the Shiites dominate the Sunnis. We should not be surging troops in defense of such a government, Krauthammer wrote. Maliki should be made to know that if he insists on having this sectarian war, he can well have it without us.

There is no way we can keep all of our promises to our own people on Social Security, veterans benefits, and many other things in the years ahead if we keep trying to run the whole world. As another columnist, Georgie Anne Geyer, wrote more than 3 years ago, Americans "will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe."

We should help other countries during humanitarian crises and have trade and tourism and cultural and educational exchanges. But conservatives have traditionally been the strongest opponents to interventionist foreign policies that create so much resentment for us around the world.

We need to return to the more humble foreign policy President Bush advocated when he campaigned in 2000.

Finally, Mr. Speaker, we need to tell all of these defense contractors that the time for this Iraq gravy train with its obscene profits is over. It is time, Mr. Speaker, to bring our troops home.

#### NEGATIVE IMPACTS OF PRESIDENT BUSH'S BUDGET ON NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to discuss the negative impact of President Bush's proposed budget on New York State. New York is consistently faced with a funding imbalance. We receive far less funding than we pay out in taxes. This imbalance has held back projects in key areas. Key programs have been constantly underfunded, and this year's proposed budget again makes the wrong choices for New York's families. Gang violence is a growing problem on Long Island. Our police departments and community groups are doing all they can with this small budget.

Unfortunately, these budgets will be further reduced if the President has his way. His budget request attempts to eliminate two of New York's local crime fighting tools: the Community Oriented Policing Service, or the COPS Program, and the Justice Assistance Grants Program. These two programs allow law enforcement agencies to hire police officers and support crime prevention.

It is a lot cheaper to prevent crime than it is to send someone to prison. Police departments rely on this money to purchase new technology and equipment, to educate their members on how to best combat issues such as gun violence.

In the year 2006, New York received more than \$27 million in COPS and JAG funding. If this money is not available, our law enforcement will not have the tools they need to keep our families and communities safe. But it is not just our communities that are put at risk by the President's budget.

College assistance programs to help New York students will be slashed if the President has his way. The education of our Nation's students is one of the most important issues facing us today. I have traveled to China and India and have seen the attention those countries are giving to education for their students.

We need to do a better job at funding our educational programs to give our students the tools they need to compete in a global economy. However, under the President's budget, key programs such as work study and supplemental educational opportunity grants will be frozen.

Tuition in New York State schools have increased over 20 percent over the last few years. These new cuts in student aid will put college further out of reach of so many of the New York students. This is the wrong message to be sending to our students who work hard in high school and dream of going to college. We can do a better job, but we need adequate funding to truly help our students achieve their dreams.

As you know, our health care system needs attention also. Over 40 million

Americans are without health insurance. In New York 2.5 million are uninsured. In his State of the Union address, President Bush vaguely outlined a proposal to deal with this very issue. I applaud the President for bringing this issue to the forefront of the debate.

However, I do not agree with the President's plan. I am afraid his proposal will raise health care costs for New York's working class, while doing very little to help the 2.5 million uninsured. The money President Bush requested for his plan can be better used to lower premiums and truly make health care affordable for all Americans.

Since the start of the 110th Congress the House has done the people's work. We have raised the minimum wage, cut student loan interest rates, and helped Medicare beneficiaries. We have changed the focus of our Nation to help all Americans.

The President's budget request misses the mark and will harm already underfunded programs. We in Congress must devote more attention and funding to our Nation's education and health care. These issues have been long underfunded for too long.

I look forward to working with my colleagues to refocus our priorities and fully fund our educational and health care programs. I know in the next 3 days we are going to be debating Iraq, which I think is probably one of the most important issues facing this Nation.

But even with that, we as Democrats will continue doing the work of the American people and finally getting some work done that is going to help all Americans. That is what we as Democrats will do. That is what we pledged and we will follow through with that.

#### SUPPORT THE DRIVE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I rise tonight to speak about House Resolution or House bill 670, which is a bill called the DRIVE Act; that is, the Dependency Reduction through Innovative Vehicle and Energy Policy.

It is a bill that ELIOT ENGEL and I have cosponsored. It has almost an equal number of Democrats and Republican cosponsors, up to about 60. And its goal is to reduce your oil consumption by 20 percent in 20 years. What we did is sat down and said, how could we achieve that goal and do something for national security, something for the environment, and something for mom and dad back home and their pocket-book?

So we set out to try to stay true to those goals. We put fourth four things in it. To change consumer habits, we have doubled the tax credit for purchase of hybrids, flex fuel vehicles, and

biodiesel, anything that would drive on something besides gasoline.

Secondly, we have sent a message to Detroit that we would like to see 80 percent of the cars made in 10 years be at least flex fuel so that Wall Street will also follow suit and invest in flex fuel vehicles and hybrids and ethanol, things like that. If Wall Street knows that the government is behind it and the market is going to be there, then the investment dollars will follow.

Too often what happens when the price of gasoline goes up, everyone rushes out and looks at alternatives; then when the price of gasoline goes down, everybody forgets all about it. We want to have a permanent investment stream from Wall Street. That is why it is a good method when you follow what we did with air bags, the air bag model.

Thirdly, we require the government to start scoring based on energy consumption. When the government goes out and buys fleets of vehicles, we want to know, are you buying innovative vehicles, flex fuels, hybrids and so forth. We believe it is important for the Federal Government to have a goal.

One thing I point out, which is not in the bill; but we deliver on Saturday, mail which is 30 percent of the volume that you have Monday through Friday, but we use 100 percent of the fuel. So it would make sense if you are in the business place to quit delivering mail on Saturday.

I understand that has some political ramifications, and thinking with our political minds instead of our business minds. I just say that is an example. Finally, we believe that a lot more research has to be done. But I want to point out, Mr. Speaker, that Toyota is already on their fourth-generation hybrid.

Unfortunately, many of the Detroit American motor companies are not that far along. But there is a lot coming down the pike. The University of Georgia, for example is making ethanol out of sweet potatoes, left-over Coca Cola and watermelon. There are all kinds of ways to make ethanol in addition to using corn.

These are the things that our bill does. You know, in Washington it is actually easy to agree to disagree. My friend, Mr. MILLER and I, we have no problem disagreeing agreeably. But what we need to do is agree to agree, which is much harder. Because when Republicans and Democrats agree to agree, we make progress, and sometimes the interest groups that surround us from both parties really do not want that, because they are not as empowered as they are when we are fighting.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 742. An act to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction.

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the Senator from Maryland (Mr. CARDIN) as Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 110th Congress.

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the 110th Congress:

The Senator from Connecticut (Mr. DODD);

The Senator from Wisconsin (Mr. FEINGOLD);

The Senator from New York (Mrs. CLINTON);

The Senator from Massachusetts (Mr. KERRY); and

The Senator from Maryland (Mr. CARDIN).

#### IRAQ RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, as already has been noted this evening, tomorrow the House will begin a 3-day debate on the question of whether or not we support the escalation of the war in Iraq by supporting the President's policy to send over 21,000 additional troops to Baghdad, what is called the surge, but is in fact an escalation of the war and of the exposure of our American troops in Iraq.

It is an important debate, and it will be an important vote. It will be a very simple proposition: Either you support the escalation or you do not. This is the vote that the American people have been asking for now for many, many months. They certainly expressed it in the election. They have expressed it since the election where we see time and again they are telling the country, they are telling those of us who are in the Congress of the United States that they do not support this policy; they want an exit plan; they want our young men and women brought home from Iraq; and they want the Iraqis to take responsibility for the political decisions that must be made if Iraq is in fact going to be a unified country, if Iraq in fact can proceed along a road to building democratic institutions and hopefully finally building a democracy.

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But none of that, none of that will be done by the troops from America. None of that can be done by the troops from America. The fact of the matter is that that must be done by the Iraqi people.

But there will be those in this debate who will be defending the President's failed strategy in Iraq by attacking the President's critics. They ask, what message would America send to its troops in combat if Congress votes to repudiate the President's plan? What message, indeed?

Mr. Speaker, the question really is, what message did Congress send to our troops from the very beginning of this miserable war?

What message did Congress send to the troops in the beginning of this miserable war when they voted to go to war based upon the lack of proper evidence, false evidence, manipulated evidence and, in fact, outright lies to the American people and to the world about the situation in Iraq, and certainly a war that was not vital to the interest of the United States?

What message did Congress send when it allowed the President to go to war without enough troops to secure the peace?

What message did the Congress send when it allowed our troops to go into combat without proper armored vehicles?

What message did Congress send when it allowed our troops to go into combat without proper protective body armor?

And what message did the Congress send when it allowed the President to continue a failed course in Iraq with no adjustments in strategy?

What message did Congress send when it allowed the President to effectively draft American volunteers by continuing their tours of duty over and over again?

And what message did the Congress send to our troops, indeed?

But there is a new Congress now and there is a new message for our troops. By raising objections to the President's failed strategy, and by demanding a new course in Iraq and the immediate and responsible redeployment of our forces, we will send a new and clear message to our troops. Our message to the American forces in combat is that we will not let you fight and die forever in Iraq with no plan to get you out, with no exit plan. Our message is that we will insist that the Iraqis take responsibility for their country and the building of a democracy, and that soon American forces will be brought home or redeployed to fight the real war on terror.

Our message is that the American forces will not be used to fight Iraq's civil war. Our message to the President's few remaining supporters in the House and Senate is, do not exploit our brave troops in combat in a desperate and vain effort to bolster a weak President. Do not use our brave men and women serving in Iraq to cling to a misguided policy that is dangerous for America's interests and for its troops as well.

Join us in opposing the escalation of the war in Iraq, and when we see that history is now repeating itself, where

once again the administration is prepared to send our soldiers into Iraq without proper equipment and without proper training, demand, instead, a new strategy to get America out of Iraq's civil war, to get Iraq to take responsibility for its own future, and to use our troops for the proper mission, to defend America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### H. RES. 109, PINEDALE ASSEMBLY CENTER RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COSTA) is recognized for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise today in support of House Resolution 109, recognizing the historical significance of the Pinedale Assembly Center located in Fresno, California.

The history of this internment center is a reflection of the 65th anniversary of Executive Order 9066, which reminds us of a dark chapter in U.S. history.

On February 19, 1942, President Franklin Roosevelt signed the order authorizing the forced internment of over 120,000 Japanese Americans, placing tremendous hardship on the innocent that, in many cases, resulted in a loss of jobs, businesses, property and ultimately, in some cases, their dignity.

Further, the internment was a violation of their constitutional rights. Internees were denied their liberty, their civil rights, the right to due process, and equal protection under the law. Yet, no Japanese American, before or after their internment, was ever accused or convicted of espionage or sabotage.

In fact, over 14,000 Japanese Americans served valiantly and on a voluntary basis in our Armed Forces during World War II with great distinction. One could only imagine what went through their minds, the members of our military, as they defended our Nation's freedoms, while their own families were languishing back in American internment camps.

Pinedale, then, following the order, was a relocation center, and the Japanese Americans throughout the West were asked to report to these relocation centers. This relocation center handled over 4,823 individuals.

Numbers are just numbers, ladies and gentlemen. But let me tell you some of the stories that passed through this camp.

A dear friend of mine, and a beloved Member of this body, the late Congressman Bob Matsui, arrived at the Pinedale Assembly Center at age two.

Congressman Matsui fought against all odds, as did all of those, and despite the prejudice and the hardships, rose to be a great leader of our Nation.

Another story, James Hirabayashi, interned there at age 17. And he wrote, and you can imagine hearing the words: "My parents and three siblings and myself occupied a single barrack at the Pinedale detention camp. However, we were soon to be split further apart and never regained the unified family life during the war."

Later, James received his Ph.D. at Harvard, became a professor of anthropology at San Francisco State and now chairs the Asian Studies program.

Another story: Jack Hata was evacuated to Pinedale on his 21st birthday. He recalled: "The assembly center was made up of rows of tarpapered black barracks enclosed by barbed wire fencing with armed guard towers. The most vivid recollection of the Pinedale experience had to be that of a strong, hot wind picking up every mid-afternoon blowing dust over the entire camp and making seeing and breathing very difficult."

Today, ladies and gentlemen, much has changed. Pinedale is a part of our history, a place of loss, of hatred and fear. But now it will be transformed into a place of remembrance for healing and hope.

The Pinedale Assembly Center Memorial Project Committee cosponsored by the Central California District of Japanese American Citizens and the California Nikkei Foundation is establishing a memorial. The memorial would not have been possible without the dedication and diligence of all those who have supported this effort, including Judge Dale Ikeda, chairman of the memorial project.

I am one of those that serves on the Project Advisory Committee. But Dale says it best: "By preserving the Pinedale Assembly Center story, we hope to teach a lesson in history, that it takes people to ensure 'justice for all.' And rather, it is the duty of each generation to strive to form a more perfect union for ourselves and for the sake of our children."

The memorial groundbreaking will take place next week, February 19, on the 65th anniversary of the executive order.

Today, over 5,000 Japanese Americans, many former World War II internees and their families, live in Fresno County, and the Pinedale Memorial will honor these and those who suffered during that period.

The memorial sends a message that we are committed to healing historical wounds and replacing the prejudice and fear with the American values of equality and justice.

It has been said that those who cannot learn from history are doomed to repeat it. Let's make sure this memorial helps us learn.

Allow me to close by reading the parts of the memorial plaque inscription that will be dedicated next week:

"This Memorial is dedicated to over 4,800 Americans of Japanese ancestry who were confined at the Pinedale Assembly Center. This was an early phase of a mass incarceration of over 120,000 Japanese Americans. They were detained without charges, trial or establishment of guilt. May such injustices and suffering never recur."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

(Mr. MILLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE COUNTDOWN CREW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DAVIS of Kentucky. Mr. Speaker, we return again for the fifth consecutive leadership hour with the Countdown Crew.

I would like to welcome all of you here tonight who are watching from home. We have been surprised at the tremendous amount of response that we have received talking about the reality of tax policy, of small business policy and the impact that it has on the lives of ordinary citizens in this Nation.

In fact, the feedback has gotten so great that we have received hundreds and hundreds of calls, e-mails from around the country.

What we would like to do is invite you to become part of the Countdown Crew, as we are only 1,416 days from one of the largest tax increases in American history. We have a Web site. We would encourage you to e-mail with questions, with comments, your perspective on ways to make life better for working families to create jobs and to strengthen small business, which creates 88 percent of the jobs in the United States.

If you look behind me, our e-mail address is here. It is [countdowncrew@mail.house.gov](mailto:countdowncrew@mail.house.gov). And we would invite your comments and your feedback, and also invite you to share your stories of why the tax cuts of the last several years have made a difference for you, why a more relaxed and more structured regulatory process that focuses on sound science versus on politics allows businesses to work to create jobs, to create opportunity to create a future for our children and our grandchildren.

And there is a reason for this. In the election on November 7, so much of the emotion and so much of the focus had to do with issues related to the national security policy in the Middle East. But one thing that was forgotten in that time was something else that was voted for by the American people.

All of the tax cuts that have created 7 million jobs, that have created record revenues to the U.S. Treasury actually are on time lines. And they have to be extended by the House, and they sunset at the end of 2010. And without a President to advocate those policies, without a House of Representatives and a Senate that is going to pass those policies, all of the tax cuts that have created millions of jobs, that have created these record revenues in time of war are going to end. And that means that in 1,416 days, the average working family in the United States of America will experience a tax increase of \$2,098. And that translates across every sector of America.

And the one thing I think that often gets lost, and I will speak as a former small business owner myself, is the fact that small businesses create 88 percent of all new jobs. Those are companies with under 500 employees. These are companies that pay health benefits, that do research and development, that open new doors.

The tax revenues that are generated from those businesses and those employees are what fund the infrastructure of our communities. They pay for our teachers; they pay for our public safety. They contribute to our national defense.

And one saying, I think, that is important for all of us to remember is, the focus that we need to have is not to raise taxes but it is to create taxpayers. And the way that we can create taxpayers is give those who create the jobs more resources to invest in the economy, allow working families to keep more of what they own so they can save it and build a nest egg for the future that will ultimately lead to the growth that we have experienced.

We have got several distinguished gentlemen tonight. Before the gentleman from Oklahoma begins, I would like to recognize the leadership of Congressman BILL SHUSTER from Pennsylvania who has been the principal architect of the Countdown Crew.

Remember, if you would like to contact us, that is [countdowncrew@mail.house.gov](mailto:countdowncrew@mail.house.gov) if you have a question for any of the Members participating tonight or would like to share your own story of how being allowed to keep more your own money, more of your own resources has helped to create a future for you.

But before I share some stories about some friends back in Kentucky who started and created jobs that are affecting not only our region and our economy, but also the defense of this Nation, I would like to recognize Congressman SULLIVAN, the gentleman from Oklahoma, to share his perspective on this.

Mr. SULLIVAN. Thank you, Congressman DAVIS. And I want to thank you for doing this tonight.

I also want to thank Congressman BILL SHUSTER from Pennsylvania for the Countdown Crew. Tax relief is very important to the American people, the

American families, American business. And we are about ready to embark on the largest tax increase in the history of this country, and it is going to be very detrimental to our economy.

And I can remember when I got to Congress just a short time ago, almost 5 years ago. Congressman SHUSTER came in a little bit before me. And since that time, with some of the tax relief measures that have been put in place, we have seen just 167,000 jobs were created in December alone. Payroll, nonfarm payroll employment increased.

Since August 2003, more than 7.2 million jobs have been created. Workers are finding jobs faster.

I remember when I came to Congress back in 2002, one of the votes that I had to make, along with others, was to extend unemployment benefits. And we don't have to do that now, in large part, because of the tax relief measures that have been put in place.

A lot of people think that we need to keep taxing and taxing and taxing our way to prosperity. And that is wrong.

And my friends on the left, the liberals on the left, think that this money belongs to them, it belongs here in Washington with the politicians. And that is not where it belongs.

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It belongs to the people who earn the money in the first place, working families, small business people. And how does that apply to somebody, let us say, that lives in Oklahoma, a small businessman or woman? Well, I will tell you how it applies to them. When I go around my district, one of the biggest things I hear about are complaints from small- to medium-sized business people, and small- to medium-sized business people employ 85 percent of the people in our economy. They either work for, own, or operate small- to medium-sized businesses. And if we allow a small business to keep more of their money, what are they going to do with it? Well, they are going to hire more people to work. It is going to create jobs, which it has done. They are going to buy equipment to expand their business, and that money is going to bounce around the economy, that dynamic economic effect of that money bouncing around the economy, and it is going to find its way back to Washington anyway, but we get to do things with it before it does.

One of the things too, Congressman DAVIS, that I hear about a lot is small business people are really complaining right now about providing health insurance for their employees. Either they have to go to their employees and say, hey, I can't cover you anymore or they have to lessen the benefit to the employee or they have to make the employee pay more of their health care cost. Now, if we provide tax relief to them, they are able to use that money to provide health insurance for their employees. The Democrats, if they allow this tax increase to take place,

we are going to have more uninsured people in this country.

Tax relief has been used many, many times. I remember last week or the week before that, Congressman SHUSTER talked about how tax relief was used when John F. Kennedy was President, a member of the other side of the aisle. And it works. He used tax relief, reducing all marginal rates. Also Ronald Reagan proposed tax relief, and it was wildly successful. We had a roaring economy. Tax relief is used by other countries in economic slow times to get out of that. It is one of the economic tools that are used.

We have to realize too that Washington is getting too big. Government is too big. It is unaccountable. There is runaway spending here in Washington. There is no accountability, no light of day on the budgetary process. People talk about the budget like it is a complicated thing here in Washington. Well, heck, a chimpanzee could do the budget here in Washington. You get what you spent last year; you try to get more money. You want \$10 million, you ask for \$1 billion and you get \$10 million more, and you spend that and that goes to your baseline for the next year.

Instead of throwing money at all these supposed problems around here, we need to find the problems first and scrutinize the spending here in Washington, D.C. And we certainly don't need to free up more money for the politicians in Washington, D.C. to spend by allowing massive tax increases to occur.

So I really commend you for doing this countdown, the Countdown Crew. I want to commend Congressman SHUSTER for all he has done, Congressman DAVIS, JACK KINGSTON from Georgia. This is very important. And when I go around my district, even in Oklahoma, we are hearing a lot of things about what you guys are doing on this Countdown Crew. People do not want to see these tax increases occur. I talked to someone the other day that said, I am afraid that our child tax credit will go away, from \$1,000 to \$600. That will be critical. I have four kids. It is going to affect me. It is going to affect a lot of people. And that is what we are dealing with, people. And we want them to keep the money that they worked so hard to earn in their pockets, not here in Washington.

And, again, I want to thank you for having me here.

Mr. DAVIS of Kentucky. Thank you very much, Congressman SULLIVAN.

I think it is so important what he highlighted here when he mentioned four children. My wife Pat and I have six children. For families what this translates into, just the loss of the child tax credit alone for a family of four is \$2,000. That could be a semester of college tuition. It could be an investment in savings. There is an opportunity cost that comes with that that has real effects. And when that money is in the economy, it is creating jobs.

And I would like to take a moment and share one small business story that is close to home about an environment that creates opportunity. You may have heard me say this before: The role of government is not to create jobs. Government doesn't create jobs by itself. What government does should be to create a framework that empowers people to create jobs, to create opportunity, and to protect that opportunity we pass to future generations.

We have seen tremendous change that has taken place in our region, the Fourth District of Kentucky. And specifically in the northern part of that district, right across the river from Cincinnati or, as we like to say, the greater northern Kentucky area, we are seeing economic explosions in great numbers in a variety of industries. In particular, a group of far-seeing businessmen wanted to change the view of our community, joined with community leaders. And they worked with Northern Kentucky University, first with President Jim Votruba, and talked about the need for bringing high-technology jobs and creating a climate for high-technology jobs. Dr. Votruba recruited an information technology professional named Bob Farrel, who is an entrepreneur, a great success in the business world, but also a teacher and a mentor. They collaborated in turn with the chamber of commerce, with local government, with State government, and created a zone in downtown Covington, Kentucky, on Madison Street, called the Madison E Zone. And into that came some friends of mine to build on the foundation that was given to them, those boundaries in which they could create opportunity.

Three men, Kevin Moore, Norm Desmairis, and Greg Harmeyer, I know all three of them. I have watched what they have done professionally with their business. I have watched how they have grown from a very small company to create many, many jobs; how they left one facility and had to move down the street to an even larger facility. And they are the true ideal of the American entrepreneur, a small business person who starts with a vision, pursues that vision, and wants to bring about change. And what Kevin and Norm and Greg have all done with their business that is remarkable in information technology is they have provided needed services in the preservation of knowledge and improving the efficiency of systems, helping the employees of other job-creating companies to be more effective and more competitive in this global economy. And where it comes home full circle is the idea of working with the university in conjunction with the Department of Defense and the Department of the Air Force to help preserve knowledge and help strengthen the information technology systems of our Armed Forces, of our national security establishment.

What is exciting about this is tier one with Greg and Norm and Kevin represent hundreds of small businesses

that are creating thousands and thousands of jobs around the country. And what they shared with me, and Kevin shared with me tonight, is that these tax increases are going to hurt their ability to provide for health care, as Congressman SULLIVAN pointed out. It is going to hurt their ability to make needed investments in equipment. It is going to hurt their ability to compete effectively. And I believe it is better to let them keep more of what they have earned because that is going to be recycled into the economy to create more jobs.

And the model we are following, as Solomon said in the Bible, there is nothing new under the sun, was the same model that birthed Silicon Valley. There were intellectual partnerships and entrepreneurial partnerships with Stanford University that led to the greatest explosion of technology and research in the history of modern man. It changed the life of virtually every citizen in this Nation, provided us with technologies and tools and improved a way of life that had never been known before. And now we stand with an opportunity to build that type of a future right in Kentucky. As my colleague, Congressman HAL ROGERS down in the Fifth District, likes to say, representing eastern Kentucky, we may not have Silicon Valley but if we have the right economic policy and the right focus on research and the right focus on developing our young people and especially the right focus on creating an environment to stimulate small business, we may not have Silicon Valley but we can have Silicon Hollow. We can make a difference that provides not only for the next generation that follows us but to keep this Nation competitive in the long run.

And we stand at a crossroads right now. As we mentioned before, in 1,419 days, the average working family in this country is going to see a tax increase of \$2,098. Money that has created 7 million jobs will be taken out of the economy. And what we need to do is look at policies that are proactive, that make a difference.

One colleague who is here with us tonight who also came out of the small business world, who has been in Congress for a long time, who understands both the political side, but most important to me is that he has created jobs, has made a payroll, and he has helped other people deal with these benefits and understand this importance, and that is my friend Congressman JACK KINGSTON from Savannah, Georgia, and I would like him to share some of his perspective.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

First of all, I want the record to show that Mr. SULLIVAN has four kids and you commented that you have six kids. Are you saying that he does not have a commitment? Is that what is going on here? The rest of us are getting by with one or two kids. Actually, I have



four. But I wanted to say you two families are doing your share for the economy.

Mr. DAVIS of Kentucky. I would have to say, Congressman KINGSTON, that based on these tax increases that are coming and these regressive policies that will begin to take effect in 1,419 days, I would say that my six children will become my retirement plan.

Mr. KINGSTON. Well, I will tell you what. Also, you and I know people across America will lose that family tax deduction for the children, which is very important.

But I wanted to get into the perspective of a business person, but the way I explain tax increases to school kids, it seems that maybe it should apply to some of these bureaucrats here in Washington, D.C. But yesterday I was speaking to a group called the People to People Exchange, a student ambassador program. And I asked for a volunteer. A young lady who had a job, a young girl who was, I guess, in about the ninth grade named Tracy, she works at Holton's Restaurant in Midway, Georgia. Tracy makes \$5.50 an hour. So I got her up in front of the class, and this was an extracurricular thing. They were actually meeting on a Sunday afternoon. And I said, Okay, Tracy, so you work for 2 hours, \$5.50 an hour. After those 2 hours, you bring home \$11. And she looked at me like, You really are stupid in Washington, you know I don't do that.

I said, How much do you bring home?

She said, Well, it is about nine something.

So I said, Okay. Let us just say for 2 hours' work you bring home \$9 and you send \$2 to me in Washington. Now, what do I do with that tax money?

And, of course, these students know you pay for schools, you pay for roads, you pay for our military. And, Mr. DAVIS, you know Midway. You probably have eaten at Holton's Restaurant. It is right down from Fort Stewart, where you were stationed. Have you eaten there?

Mr. DAVIS of Kentucky. I have been in Midway many times going between Fort Rutger and the Hunter Army Airfield.

Mr. KINGSTON. Well, they have a good fish and shrimp platter that is waiting just for you. It has got your name on it.

Anyway, I said to Tracy, Okay, for the \$2 that we get from you that goes to the soldiers at Fort Stewart, goes to the schools, to the building, to the teachers, goes to the roads, goes to the police officers, you are okay with those things because we all agree we need them?

And she says, Yes, sir.

And I said, Okay. Now, if you know I could do it for \$1.50, would you want that extra 50 cents or would you let me have it? Because, you know, if I had that extra 50 cents from you, I could spend money. I could go out and maybe improve some health care and take care of some farm programs. And who

knows? I might even get a little bit more of the Federal Government dollars down to our part of the State.

She didn't like that idea. She felt like she could manage her 50 cents better than we could in Washington, D.C. And I serve on the Appropriations Committee, and I have to say for a high school girl, she is certainly accurate. She can manage her money better than we can manage her money. And yet we have this attitude in Washington that if something is going to happen, government has to be the one to initiate it. So we want the whole \$2.

And the interesting thing that you have already underscored night after night is that if we let her keep that extra 50 cents, taking less of her \$2 in taxes, what is she going to do? She and all the other millions of Tracys and millions of other people like the six Davis kids who will one day be working, they would go out and they might buy more hamburgers, more shoes, more clothes, more tires, more dryers, more washing machines, go out to eat more. And when they do, small businesses react by expanding. They increase their inventory. Then they have to have more people to sell their inventory; so they hire more people. Less people are on welfare. More people are paying taxes. And so the money comes into Washington, D.C. Small businesses win. People who are working win. And the government, at the end of the day, gets more revenue. That has been the case now with George Bush, Ronald Reagan, and John F. Kennedy.

Tax cuts, giving the people the right to keep more of their own hard-earned money actually brings in more revenue. Therefore, to let these tax breaks end and increase taxes on small businesses and on families across America is an absurd policy. And we have got to get folks motivated to realize that this is something that is going to happen unless people back home start raising Cain about it.

So I am glad you are doing what you are doing. And I wanted to yield back because I know we have some other speakers here, but I thank you for your leadership on it.

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Mr. DAVIS of Kentucky. I appreciate that, Congressman KINGSTON. It just highlights all the more what you point out, that in 1,419 days, that every working family in America is going to have a \$2,000 tax increase. We think about where that money could go and what it is doing in the economy.

Just for those who might be joining us tonight, we are the Countdown Crew. We meet the first night of every vote and talk about issues that make a difference to creating jobs, that make a difference to our pocketbook, for working families, for small business owners that create the preponderance of our jobs.

We would like for you to join with us, to communicate your stories, to share your experiences. You can contact us

at [countdowncrew@mail.house.gov](mailto:countdowncrew@mail.house.gov). We are standing by to hear those stories right now. And I just want to thank again BILL SHUSTER's vision to want to execute this program.

As we get ever nearer to those tax increases, we have had Members that are coming to the floor that haven't been politicians their whole life, that have had what I would like to say are real jobs, who have been out there, who know what it is like to have to make a profit.

I know what it is like to make that decision to go without a paycheck to make sure that employee health benefits are paid. And I am not saying that to impress anybody, simply to point out to you, that is a common decision that many small business owners face, making sure that our employees are taken care of. And when taxes are raised, that takes away even more of that flexibility to meet employee and family needs, but also it takes dollars out of the economy or dollars out of the potential of those businesses to create jobs.

One Member who is joining us here tonight who I think has lived a great success story in small business with her husband is Congresswoman THELMA DRAKE from Peninsula, Virginia. She represents the Norfolk area.

The thing that is very exciting about her story that is very consistent with other small business owners who have gotten to taste that piece of the American Dream and all the families that have worked with them or have been benefited by them, is her story coming up as a Realtor, seeing many, many facets of the economy and the impact of these income tax policies, of regressive policies against small business, and yet at the same time the positive impact by allowing people to keep more of what they earn. It has created record revenues, as Congressman KINGSTON mentioned.

Among all the doom and gloom stories, one thing that I would share is that many times when we talk about our global economy, there is a great fear of competing on that global stage. If we compete on a level playing field, the American worker, the American entrepreneurial and creative genius is going to win. But when we talk about competing with countries like China, an emerging superpower, one thing that I would point out is that just in less than 3 years, the U.S. has added to its economy, the increase in our economic output has been \$2.2 trillion. That is bigger than the entire economy of China.

Folks, if we create taxpayers instead of raising taxes, that growth will continue and our children and grandchildren will have the opportunity to compete.

I would like to recognize the gentlewoman from Virginia to share her perspective on this.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for that and thank him for his commitment to

telling America how important it is that we keep our tax cuts that are in place and the very positive results that have taken place from the tax cuts of 2001 and 2003. Those are real savings that are helping Americans today. At the end of 2006, that tax relief that Americans got to keep in their pockets was valued at \$1.1 trillion. That is a lot of money for families, for small businesses.

You mentioned my experience as a Realtor. I want to tell you, when I was new in the real estate business, I couldn't figure out how to put more time in the day, how do I do all the things that I needed to do. It took me just a while to realize there is no more time in the day, and there are only seven days in the week, and the only answer for me was to hire other people to do the things that I didn't have the time to do.

What that meant for me in my little real estate business was I became an employer. All of a sudden I was paying payroll taxes on employees, as well as paying double for myself as a self-employed individual in the real estate industry. At the end of each year, when I would look at a really good year and sell a lot of real estate, I would say, I am really not making any money for as hard as I am working because so much is going to the Federal Treasury in the way of taxes. So I appreciate that in 2001, when the tax cuts were put into place that we reduced those income tax rates to Americans.

I think a lot of people don't realize that today we have a 10 percent tax rate for our lowest payers, down from 15 percent. That is slated to expire in 2011 if we don't act then and keep that in place. Our other rates dropped by 3 to 4 points, not the full 5 points for our lowest-income Americans.

I have heard you talking in here tonight about your children. I have two children and I have four grandchildren. When I was ran for office, because it was something I felt I needed to do, but not something that had always been a goal of mine, the way I made myself do that every day is I took a picture of my granddaughter, who was then under 2 years old, taped it to the dash of my car, and every time I got in the car I said, Caity, I am doing this for you.

I stand here today now as a Member of Congress and say Caity, and the other three, because there are three more now, I am doing this for you. Because if we want to leave our children the America that we have enjoyed, we have got to make sure that our tax policy supports our economy, that it grows our revenues and it allows Americans to be the ones to decide how they are spending their money.

One of the big changes in growing revenues for our country, of course, is the capital gains tax, which has been reduced from 25 percent to 15 percent. As a Realtor, before coming to Congress, I can't tell you how many times I would hear from people, I can't sell that rental property because I can't

pay that capital gains tax. But in 2003, when that was dropped by 10 percent, that made a lot of difference for people, and people were allowed to take assets and free them up and not be looking at such an overburden of taxes in order to do that.

We have talked about it. Congressman KINGSTON has mentioned President Kennedy. I wrote a quote of his down that I thought I would share tonight with America. This is from President Kennedy. He said: "An economy hampered by restrictive tax rates will never produce enough revenue to balance our budget, just as it will never produce enough jobs or enough profits."

That is the from the 1960s. Here we are in 2007 still having the same discussion and still trying to point out to America that when you keep your own money, that you spend it, you save it, you create jobs, you create wealth for yourself.

We have heard a lot about taxing the wealthy and how we should do more of that. But what people don't realize is by allowing people to grow their own wealth, we do raise taxes on the wealthy. They have actually risen 39 percent. Our income taxes are up 8.8 percent on personal income tax, while corporate income taxes are now up 22.2 percent. What better way is there to raise revenue than allowing people to be successful and spend their own money the way they see fit?

I am dismayed by two actions that were taken by this Congress in the very early days. There is a three-fifths majority that is needed to raise taxes. However, by a simple majority vote of this body, we now have a simple majority vote that is able to waive that. America needs to watch what this body does, and they need to hold us accountable.

The other thing that this Congress did in those early hours is pass something that is called PAYGO. It sounds very good, and Virginia is actually a pay-as-you-go State. We are not allowed to have a deficit in our budget. So it sounds good to everyone, until you stop and realize what it means.

What that means is when these taxes are ready to begin expiring, that in order to keep them in place, that other taxes either have to be raised or spending cuts have to take place to offset them. That doesn't take into consideration at all the positive impact we have seen of reducing taxes. It only looks at things on the surface.

It is like the philosophy that is out there that if we are bringing in a lot of money today with tax policy, let's raise it just a little bit and we will get more. It is actually the opposite that takes place. I believe our responsibility is to grow our economy. Our responsibility is to have a tax policy that grows revenues for us and makes sure that we have the economy and the future for our children and our grandchildren.

I thank you for letting me join you today.

Mr. DAVIS of Kentucky. I thank you, Congresswoman DRAKE, for being with us this evening. I think one thing I would like to recognize is that THELMA and her husband are real people who started and ran a real business that created real jobs and a real future for many others.

If you are just joining us, we are the Countdown Crew. We are counting down 1,419 days to one of the largest tax increases in American history if Congress does not take action to make sure that the tax cuts, the benefits that have made such a difference for so many in this country by allowing people to keep more of what they earn, are extended and hopefully made permanent.

I would just like to point out if you would like to communicate with us, we are the countdowncrew@[mail.house.gov](mailto:mail.house.gov). If you have questions or would like to share your story of how being able to keep more of your own money, of your hard-earned resources has benefited you, how it has helped you build a future, we would love to hear from you.

Mr. KINGSTON. Mr. DAVIS, if the gentleman will yield, I was wondering, I was listening to Mrs. DRAKE talk about something she went over. I think we need to maybe get a good explanation here in terms of Congress voting on a simple majority now. Maybe you could explain that, because under the Republicans it was required to have, was it a three-fifths majority?

Mrs. DRAKE. A three-fifths vote in order to raise taxes.

Mr. KINGSTON. That was in place for 10 or 12 years under Republican leadership. So now the Democrats on their first day changed it from three-fifths required to raise taxes on working people to what?

Mrs. DRAKE. What the rules that were changed were is that by a simple majority vote you can waive that three-fifths vote. I have not seen that written anywhere. Everyone that I have told about this back at home is shocked. Their eyes get big. I think they felt safe to think it would take a three-fifths supermajority vote to raise taxes in America, and they are very distressed to hear it. That is why I wanted to mention it tonight, because so few people know that that took place in the opening of this session in our House rules. I think that is unfair, and I think America should know it, and I think America should watch what we do.

Mr. KINGSTON. Thanks.

Mr. DAVIS of Kentucky. I appreciate you pointing that out. That was one of those surprises that I think affected a lot of people or that will affect a lot of people in the months and the years ahead. The reason for that 60 percent or three-fifths majority was to make sure that it was clearly the will of the American people to raise taxes instead of cutting spending, that people would be accountable.

In effect, what we were doing was something similar in line to the way

the Senate works, with their rules of cloture to end debate. They have to have a 60-vote supermajority. Certainly, over there that would be absolutely necessary for any type of a measure that would raise taxes or lower them. In the same vein, I think it was right for us to have that in this body, because in 1,419 days we will be raising taxes.

The one thing that we all believe in the Countdown Crew is that the goal of the government should not be to create new taxes, but to create taxpayers. We want to cut taxes, allow people to keep more of what they earn. And that is why we have had 7 million new jobs created and record revenues into the Federal Treasury, because the economy is working. Even in a time of war, it continues to grow, and it is incredible that we are able to compete so effectively in a global economy. We need to allow people to keep their resources to build that future for their children and grandchildren.

With that, I would like to recognize another real person who helped run a real business creating jobs out in the economy before he came to Congress, and that is our leader of the Countdown Crew, Congressman BILL SHUSTER from Pennsylvania.

Mr. SHUSTER. I thank the gentleman from Kentucky. I appreciate your leadership down there on the floor, and I appreciate everybody that has been here tonight. As always, with those of us down here on the Countdown Crew, we all come from business backgrounds, most of us, if not all of us, small business backgrounds. I ran a business that employed between 30 and 40 people. And many, many Americans, small business owners, know just how difficult it is to meet payroll every month, to pay your bills.

There are many people here in Congress that talk about the escalating costs of health care and how difficult it is. But there aren't that many, there are few that are in Congress that have experienced that, like Mr. DAVIS has, I know Mr. KINGSTON or THELMA DRAKE or myself. We saw it happen year after year, and it is something that we are all concerned about. It is something that we all want to make sure we find an answer to, seeing that health care costs don't continue to climb.

But the answer is not to raise taxes. That works just the opposite. And I am very, very concerned that the American people are not aware, that was one of the reasons that getting together with Mr. DAVIS and Mr. KINGSTON and Mrs. DRAKE and others, we came up with this idea to talk about the countdown to the tax increase, because we are concerned about it, and because the Democrat majority does not have to do anything.

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They have to run out the clock, and if they run out the clock on 1419 days, there is going to be the largest tax increase in American history, over \$200

billion. That does not occur all at one shot. It is going to occur over the next 4 years.

In 2008, there are certain tax cuts will expire; in 2009, 2010; and then January 1, 2011, all the tax cuts put in place will have expired, and we will see our taxes go up considerably.

If you are at home thinking about what your tax liability is going to be in the future, you need to realize that the Democrat majority, as Mrs. DRAKE and Mr. KINGSTON pointed out and discussed about the difference between the three-fifths and the simple majority, the Democrats changed those rules in the very first days of the Congress so that they can raise your taxes.

The chairman of the Ways and Means Committee, the gentleman from New York, said before the election that he did not know of any of the Bush tax cuts that he thought were worthy of continuing or extending.

So they have made it quite clear from their leadership, to the fact they changed the rules, that they intend to raise taxes. Why they keep talking about the deficits and deficit spending, and that is the answer to it, well, I believe just the opposite. It is not the answer to it.

If you look at the revenues in 2006 to the Federal Government, they increased by 9.7 percent in 2006. The deficit is down 50 percent of where we projected it to be in 2005. The 2006 deficit is down 50 percent as to where we project it to be, and why is that? That is because the revenues are coming into the Federal Government in significant numbers.

In 2005, there was an over 14 percent increase in revenues. That is because the economy is growing. That is because the Republican majority tried to hold the line on spending. We did not do enough. We need to do more, but the worst thing to do is to put a halt, put a hurdle on this economy, put a bump in the road to stop this economy from growing.

As many have said tonight, talked about the facts, the numbers, in December alone, there were 167,000 jobs created in this country; in January, 111,000 jobs. To date, over the last 4 years, there have been 7.3 million jobs created in America, and those are due to allowing the American people and small businesses to keep more of their hard-earned dollars in their own pockets so that they can go out and buy new things, whether it is a washer and dryer or whether it is a downpayment on a new car or saving money for college, putting that money away, \$2,000 at a clip; and that is what the average American with a family of four and making between \$40,000 and \$50,000 a year, if these tax cuts are not extended, they are going to be hit with about a \$2,000, \$2,200 tax increase. If you take that money, \$2,000 a year, and put it in a bank account at 5 percent interest over 10 years that grows to \$30,000. That is a nice downpayment on a house. That is a nice downpayment

on your kid's education. It is your money. It should not be sent to Washington. We want to keep it out there in the families of America and the small business of America.

As I said more of those numbers, we are at 4.6 percent unemployment, and it is the lowest rate on average over the last 4 decades. Cutting taxes drive this economy in a positive way. And others have said here tonight, and just to remind people that we are not the first to use tax cuts to move this economy forward, Ronald Reagan did it in the 1980s, and this economy grew by leaps and bounds. And President John F. Kennedy did it in the 1960s, cut taxes to spur this economy on, and that is what we need to do.

As I said, there are millions of Americans out there today that are depending on these tax rates to stay low. There are millions of small businesses which are the backbone of this economy that are counting on us keeping these tax cuts in place. There are millions of small businesses and farmers in this country hoping that we will extend the death tax so that they can plan for their future, so they can do the financial planning necessary because the alternative is it will expire at the end of 2010. The alternative is, if you cannot plan properly for expansion, for the future, you certainly do not want to die so that your family gets that tax, the tax break that we put in place.

So this is extremely important, as I said, to Americans across the spectrum, across this Nation from Arizona to Pennsylvania to Washington to Florida. I know millions of Americans, actually 10.6 Americans, low-income Americans, that are not paying taxes at all today because of the tax cuts we put into place in 2001 and 2003.

As we have been talking about for the last month this countdown to the tax increase, 1,419, dies, if Mr. DAVIS will put that chart back up, not the chart but our e-mail address. We have the CountdownCrew@mail.house.gov. We would love to hear from across this country how Americans have utilized these tax cuts, whether it is the child tax credit, whether it is the accelerated depreciation or any of the decreases in the marginal income tax rates. If you have utilized the Tax Code in a positive way, we want to hear about that. We want to be able to talk about that on the House floor.

One story that I have, back in central Pennsylvania, Dr. Greg Pyle is the president of Oil Surgery Associates. His practices are in Bedford County and Blair County, Pennsylvania, which are in the Ninth Congressional District of Pennsylvania. He has seen steady growth over the past 10 years, some of the most impressive growth being in small Bedford County. It is about 45,000. According to Dr. Pyle, medical practices usually plateau financially from 5 to 8 years. However, Dr. Pyle's medical partnership, which has been in business for 12 years, has seen some of

its greatest growth just in the past couple of years. He attributes that directly to the reduction in taxes and that people have more money in their pocket that they can come in and utilize his services that he provides to them in central Pennsylvania.

Again, we have many, many other stories, but I just want at this point to yield back to my good friend from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank you, Congressman SHUSTER. For those of you who are watching, if you would like to share your perspective, your view, join us via e-mail at CountdownCrew@mail.house.gov, and remember that in 1,419 days, there is a bill arriving.

I would put it to you in a question like this. If you knew or you suddenly went to the mailbox and opened the box up and there was a bill for \$2,100 and it was due immediately, that is what is coming if these tax cuts are not extended and made permanent.

Despite the fact of the economic improvement in this Nation, the Democratic Congress is committed to raise taxes. The last time they raised taxes was 25 days ago in the energy industry that has an effect on virtually every job in America, and now we are looking at a wide variety of taxes.

Facts are stubborn things. The success of Republican tax relief initiatives are undeniable. That is the reason that Congressman SHUSTER and I and the Countdown Crew like to say we want to create taxpayers, not raise taxes. We want to create taxpayers, not create new taxes because the job creators who are out there are real people, like Jack Kingston who was in the insurance industry; Thelma Drake from Virginia now who was a Realtor; Bill Shuster who worked in the automotive support industry. I worked in the manufacturing industry, and all of us saw firsthand the impact of government policies that were often well meant by folks that passed these laws, but they never worked out in that environment to understand the impact that it had on the pocketbook of working Americans.

As we stand here tonight for the seventh week since the Democrats took control of Congress, I am pleased to report one thing, though, is that the Democrats have come to the realization that some facts just cannot be ignored.

This week, the House will vote on H.R. 976, and that is the Small Business Tax Relief Act of 2007. This bipartisan legislation extends critical tax provisions for small business owners and paves the way for the House and the Senate to come to agreement on raising the minimum wage from \$5.15 cents to \$7.25.

I know you supported this measure, Mr. SHUSTER, and so did I, but we realize also how important this provision can be for young people just starting out, for working families, and I am glad that the Democrats have realized

how important some of the tax incentives are to keeping our businesses growing and creating new jobs, but we cannot stop here. We have got to make this and all the other tax relief provisions permanent that affect individual families, because real people who hold real jobs out in the real world, not here in the halls of Congress, are the ones that pay those taxes, that foot that bill like that \$2,098 bill that is going to be arriving in 2 years, in the very near future, if these tax policies are not extended, if they are not continued for the great benefit that they have brought forward.

I would like to highlight some tax provisions that need to be made permanent. First of all, the \$1,000 child tax credit reverts to \$500. For a family of four, that is \$2,000. In my case, my wife Pat and I have six children. That is \$3,000. It goes on and on, affecting people right in their pocketbook.

That \$500 difference is not \$500 that is going for a corporate jet or some rich and famous lifestyle for people who were seen in the tabloid shows on TV. That \$500 tax credit goes to real people who live in the real world. They are spending that on their children and investing that in their children's future. I believe we need to allow them to keep more of what they earned because they are going to spend it in a way that is going to benefit their children and their children's children.

Congresswoman DRAKE mentioned earlier the 10 percent tax bracket. Contrary to some of the spin in the media, the truth of the matter is that the tax burdens have been pushed upward. It is those with more that are paying more now with the structure of these cuts. Millions of people have been taken off the tax rolls, and in fact, the 10 percent bracket was created specifically as a transition for lower-income earners so their tax burden would not be that high, that they would be able to keep more of what they earn to be sure they meet their basic necessities. That 10 percent bracket will disappear when those tax cuts expire in 2010 without action from Congress and from the Senate and from the President of the United States.

I would mention in a light moment that Kentucky is the home of Kentucky Fried Chicken. We were meeting with KFC franchisees from all around the country that came into Washington last week to give their small business ownership perspective, what they do in the food service industry, and they talked unceasingly about the benefits of tax policies that help working families, that help them as small business owners that made sure that they could keep the dollars in their community, creating jobs in their community instead of sending it to bureaucrats in Washington, D.C.

One thing that they brought up that was very important and really affects any capital-intensive business that they wished for was the continuation of the 15-year accelerated depreciation

for improvements on new construction of restaurant buildings. Under old law, we are looking at a 30-year depreciation schedule, and when you think about the food service industry, as competitive as it is with new fads and themes to be able to meet the needs of the consumer, 30 years is quite a long time, and I can think of a difference in my lifetime.

These business owners, these men and women who were creating thousands and thousands of jobs around the United States, asked to not have their tax burden eliminated, but simply to have it structured in such a way that they could compete more effectively.

They understand the importance of creating taxpayers versus taxes because those dollars, creating jobs, will come back into the economy, and as we have seen with record revenues to the Federal Government, by cutting taxes we have improved revenue.

The Republican-led Congress had acted and extended these important tax relief provisions to 2007, but we need to make them permanent.

I would like to defer now to my colleague from Pennsylvania to share some more of his perspective on this issue.

Mr. SHUSTER. I appreciate that. You made a very important point about the minimum wage. I think you and I both voted at the end of the last Congress to increase the minimum wage, but it failed in the Senate. It was not able to get through in the Senate.

What is happening here today is that our friends on the other side, they stand up on the House floor and claim that they have raised the minimum wage when, in fact, all they have done is pass it in the House. It is not law yet. It takes both bodies to pass it.

Thank goodness for the United States Senate. They are putting back in those tax cuts for small business. They are absolutely critical for small businesses.

Mr. DAVIS of Kentucky. Just as an aside, if the gentleman would yield, I am becoming a much bigger fan of the policies and rules of the U.S. Senate since November 8.

Mr. SHUSTER. I agree with you on that.

There is a small amusement park in my district, Lakelawn Park, and I was talking to the general manager of Lakelawn Park, and he told me the increase in the minimum wage is going to cost him between \$130,000 to \$150,000 to the bottom line, and what they employ are mainly high school kids in the summertime to run those rides. He said that kids starting out at minimum wage, if they had been there for a period of time they certainly make more than that.

□ 2045

But without any kind of tax decrease or other kind of tax benefit, that is going to cost them \$130,000. It is going to cause him to hire less kids to work in the summer because he is not going

to be able to afford that kind of hit to his bottom line. So we passed it here in the House, we know, and unfortunately the national news media, unlike in 1995 when the Republicans took control, I remember it well. The first 100 days, every time the Republicans would pass something the national news media was quick to point out, Well, they haven't done anything yet, they just passed the House.

And that is all that happened here in the first 100 hours, is we passed the House. Minimum wage has not gone up. It will go up with probably a lot of Republican votes if the Senate comes through with the tax measures that they proposed. And I know the House, Johnny-come-lately to the tax cut for small businesses, we are going to hopefully pass something here this week to offer some of those tax cuts, but not near enough what small businesses need. Our small business owners are out there every day creating jobs, meeting payrolls, working long hours, and giving back to the community.

The community I come from, when you look at who are the people that are contributing to the charities and the different civic organizations, it is the small business owner, giving back to its community to make it a better place to live. So I think it is so important that we put tax breaks in, we make the ones permanent that we passed in 2001 and 2003.

And I just have another story of a small business owner from my district, Greg Rothman with RSR Realty in Cumberland County, Pennsylvania, which is Carlisle, Pennsylvania, near Harrisburg, Pennsylvania. He has seen a massive increase in his business due to the economic policies that were put in place over the last several years. The lower tax burden has trickled down, and houses are being sold and houses are being built, more attractive for the consumers to buy throughout Pennsylvania, and especially in central Pennsylvania in Cumberland County, Pennsylvania, and employment rate is about 3.3, 3.4, 4 percent, one of the lowest in the State.

Reductions in capital gains tax have allowed many empty nesters to enter the housing market to buy homes, to improve what they are living in, or downsize into nicer places. It has helped his realty business grow. And since becoming a partner in RSR realty in 1999, Greg has seen it grow from 20 Realtors to 60, which is an increase of 40 jobs in about the past 7 or 8 years. And it is these economic policies that we have put in place that have caused this to happen; and Greg said that he has seen the highest sales volume since he has entered the industry.

And I think that is important to tell those kinds of stories. Those are real people; those are real jobs. And I want to remind people that we would like to hear those kinds of stories; we want to hear from all across America. At the [countdowncrew@mail.house.gov](mailto:countdowncrew@mail.house.gov), you can send us in that story, your success

story, and how you utilized those tax cuts that have been put in place in the early 2000s and why we need to keep them in place. So we would love to hear stories from business people, small, medium-sized, and large all around the country. We certainly would appreciate that.

At this time I will yield back to the gentleman from Kentucky.

Mr. DAVIS of Kentucky. I thank the gentleman and point out that we in the Countdown Crew can be contacted at [countdowncrew@mail.house.gov](mailto:countdowncrew@mail.house.gov). The stories that we tell are about real people who are creating real jobs and live in the real world, and they understand the real effects of the policies that are generated here in Washington, that create value, that create a future, and those that create impediment and create barriers to growth.

I think of my friend George Hammond who runs Hammond Automotive. He started in Covington, Kentucky, years ago, and he invested in his business the great benefits that have come from the tax cuts that were passed by the Republican Congress, allowing the American people to keep more of what they own, have benefited him and his employees and family. His business has grown. In fact, he opened a new outlet, a new store in Burlington, Kentucky, to reach even more people and to create even more jobs.

It is like my friend Don Salyers who runs a river transport operation in Ashland, Kentucky, giving opportunity for creating more jobs and a future for that community that is in economic transition.

This week we are going to vote for a tax incentive package that will help to keep the American economy strong by extending tax policies that we passed in prior Congresses. We owe it to our families and this Nation, to our working families, to small business owners, and ultimately to the health of the economy to allow people to keep more of what they earn. We need to do more that creates that future and creates taxpayers, instead of raising taxes.

One thing that I would like to comment on here tonight is the extension of the work opportunity tax credit. Small business owners, especially those that have to take somebody and intensively train them to bring them into that workplace, into that small business to make them into a taxpayer need incentives and opportunities. For example, we have many people who have had some challenges in life, that may have lived life on the edge, may be going through a transition in life, and we want to give them that opportunity. But the way to do that is not to mandate that. The way to do that is not simply to set aside the taxpayers' dollars with no stewardship or oversight, but is to allow the market and the economy to work by providing accountability for those small business owners on the frontline, and also the opportunity and the incentive to make an investment. And what the work op-

portunity tax credit does is it incentivizes small business owners to hire higher-risk employees, and the goal again is creating taxpayers.

What are some examples of this? Dealing with high-risk youth. My wife, Pat, and I worked with Youth on the Edge for over 20 years before I came to Congress. And the one thing that I can say is there are many young people that need a vision; they need a new start to overcome mistakes that were made earlier, some wrong assumptions they had about their environment, oftentimes the consequences of poor decisions that they made.

On first blush, a business owner could be hard pressed to want to make that investment. But what this tax credit does is gives an offset to that business owner to make that investment, to reduce the risk, to give somebody a chance. That is the kind of framework, the kind of regulation that government should give that allows the market to work, to bring out the best in people, and ultimately strengthen our economy in the long term.

You know, as I close tonight before yielding to the gentleman from Pennsylvania for his final words, our mission in the Countdown Crew is to do two things: first, it is to let the American people know that in 1,419 days, a \$2,100 bill is going to arrive in the mail to basically every taxpayer in the United States when the tax cuts that have produced so much will be repealed automatically, when they sunset. We need to allow people to keep more of what they earn. We have seen the great benefits that come to the economy from that.

The other thing that we do in the Countdown Crew is we want to highlight the positive impact of policies that allow people to control their own lives. The government doesn't create jobs; all it can do is create a framework and environment that either empowers people or restrains them and holds them back. And what we want to do is join with you and the Countdown Crew, and you can contact us at [countdowncrew@mail.house.gov](mailto:countdowncrew@mail.house.gov) to get the American people's story here in the House of Representatives so that the Congress will know, and compel the Congress to act, to allow the small business owners who create the bulk of jobs in this country to keep more of what they earn, to invest it in their employees, to allow working families to keep more of what they earn and invest it in their employees; so that in 1,490 days we can continue creating opportunities rather than stopping something that has been a great benefit.

With that, I will yield to the gentleman from Pennsylvania to close.

Mr. SHUSTER. I appreciate that. And I think the point you made is worth repeating, because I know you and I believe this and many of our colleagues believe this, especially on this side of the aisle, that government doesn't create jobs. We can only create

an environment to give people the opportunity to create jobs, small entrepreneurs and business people across this country. And our fiscal problems in this country, our financial problems with the government, isn't that the government taxes too little. It is that we spend entirely too much. And I know the coming weeks, I know especially the new Members of Congress are going to be put to the test to stand up and be accounted for, because there are many people who say that America voted for a change in November, and they did.

But I know there is nobody in the Ninth Congressional District and nobody that I have come across as I travel this country that wanted to change from a lower tax system to higher taxes. Nobody wants to do that. And our goal is, in the Countdown Crew, to make the American people aware that the Democrats don't have to do anything; they can run out the clock, and on January 1, 2011, they will have the largest tax increase in American history, over \$200 billion. And I believe it is our duty to make sure that we are talking about it so that the American people know what the majority intends to do by changing the rules on their first couple of days of Congress from a three-fifths majority to a simple majority to raise taxes, they have made it a lot easier to raise taxes.

They put PAYGO into place which only deals with new spending, and it really does nothing to address the deficits we have today. So PAYGO really should be TAXGO, because that is what the American people are going to see.

So, again, we urge you to e-mail us at [countdowncrew@mail.house.gov](mailto:countdowncrew@mail.house.gov), because we want to hear your stories about how you have put those tax cuts into use to create jobs and make America a more prosperous place.

#### GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise their remarks on the subject of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

#### THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I want to welcome my colleagues from Oregon who are in the Chamber with me tonight. Congressman DEFAZIO and Congresswoman DARLENE HOOLEY are here with me, and I know we will be joined by other members of

the Northwest delegation to talk about a very, very important issue, the Secure Rural Schools and Community Self-Determination Act, H.R. 17, also known as County Payments, that in both this Congress and the last has been a strongly bipartisan issue. The DeFazio-Walden legislation, H.R. 17, a bill to reauthorize and fund the County Payments Program for 7 years to date enjoys the support of 114 cosponsors in this Congress. The exact same bill last Congress had 139 cosponsors.

As I have said in 13 of 18 one-minute floor speeches: the failure of Congress, either the last one or this one, to reauthorize the County Payments Program amounts to a breach of faith to more than 600 forested counties all across America and 4,400 school districts all across this country.

I would like to take a moment to highlight a few of the impacts of the rural forested counties and school districts in America without these funds: severe cuts in funding for jail beds; sheriffs' patrols are being cut sometimes in half; criminal prosecutions and the pursuit of meth cooks, all of that being reduced; rural school districts foregoing overdue repairs; may not be able to buy textbooks, or face significant challenges busing kids to schools. It also means libraries will close in places like Jackson County, Oregon.

I would like to draw your attention to this poster here to my left. It is from a young lady, a fifth grader named Alice from Ashland, Oregon, who utilizes one of the 15 Jackson County libraries where she lives, and they are all scheduled to close in just a couple of months, in April, if we don't reauthorize and fund the Secure County Schools legislation.

Alice has resolved to read all the "Hank the Cowdog" books, but she needs these libraries to stay open. She says: "Representative WALDEN, I live in Ashland and I go to Bellview School. I am in the fifth grade. I use our library a lot. We always use books on tape for car trips. My New Year's resolution is to read all the "Hank the Cowdog" books, and the library has them all. I need the library to stay open so I can finish my resolution. I also use a lot of books here for school reports. Please help to keep our library system open. Sincerely, Alice."

Alice is a fifth grader in Ashland, Oregon. She gets it. If Alice can get it, this Congress ought to be able to get it, and we ought to be able to keep the libraries open in Jackson County.

Many of you in this Chamber and Americans all across the land will remember the heart-wrenching service for the Kim family in southern Oregon this winter, lost in the national forest, and the mountain climbers who perished on Mount Hood just 45 minutes from my home in Hood River. Both of these counties, both of the search and rescue operations that took place used funds out of the program that Congressman DEFAZIO and others and I are

trying to reauthorize to help pay for the equipment and for the search and rescue operations, to go on Federal land using county resources to look for these people who were lost, some of whom perished.

These vital county services and rural school programs were once funded by timber receipts, but because of virtual elimination of the timber harvest on our Federal forests, Congress approved the county payments to develop forest health improvement projects on public lands and simultaneously stimulate job development in some of our rural communities.

□ 2100

This law has been a primary funding mechanism to provide rural schools with educational opportunities comparable to suburban and urban students. It has also restored programs for students in rural schools and prevented the closure of numerous isolated rural schools. It has allowed over 600 rural counties to address the severe road maintenance backlog.

Before I get into that, though, I would like to show you total Pacific Northwest timber receipts. As you can see here, it has fluctuated over the years, but it has never been as low as it is today. There were big years of timber harvest, this one up, very large; but generally it has been in this framework, and you can see, really, since the 1990s it has just gone way down.

The Federal Government has had a compact with these counties dating back to when Teddy Roosevelt was President and created the great forest reserves, setting aside huge swaths of land. Upwards to half of my district is under Federal management and control, and many of my colleagues and some of my counties it is upwards to 70, 75 percent.

The Federal Government believed in 1908 and again in 1938 that it had a responsibility to help these communities surrounded by Federal lands because these lands were not going to be on their tax base. That is what started this whole program. They used to share timber receipts. As you can see, timber harvests went down, the receipts went down.

You say, what happened to our wood products system? Well, here is what happened. See what happened on Federal forest lands. This is 1980 here, top level, about 11 billion board feet sold. Then it drops way down in the red. Where did we get the lumber? Imports. Soft wood lumber imports right there, the blue and the yellow.

So this came along, we said timber receipts are down, so we are going to replace it, 6 years ago, now almost 7. We authorized this Secure Rural Schools and Community Self-Determination Act.

The country has 7,500 national forests and grasslands covering 192 million acres. That is the size of Texas, by the way. Our State of Oregon has 15 national forests. We are proud of them.



You need to know they cover 14 million acres, or nearly one-quarter of the State's land mass. There are forests in my district that cover nearly 12 million acres.

To put this in perspective, within the Forest Service regions 8 and 9, which cover 34 States, all States east of the Missouri River, Oklahoma and Texas, there are 52 national forests covering 25 million acres. My district alone has nearly half that amount of acreage. You can see those of us in the rural West are really impacted by what goes on in the Federal lands, whether it is search and rescue operations, forest fire operations. You name it, it is expensive.

When the Federal reserves were created, we set up this funding mechanism, again going back to 1908 and then coming forward. The problem now is promise to rural schools, the promise to rural communities, and the promise to rural roads has been broken. It broke last year, and it is up to us now in this Congress to keep the faith with the school kids of America and rural America, to keep faith with the resource advisory committees. They are bringing environmentalists and others together to improve forest health and habitat, great projects all over the country, to keep faith with basic county services that are being provided, funded by this program.

Folks, last checks went out the end of the year. What is happening now is the pink slips are going out. Road departments are being cut in half. County sheriffs' departments are being cut in half. School teachers getting pink slips, being told, we are not sure we will have the money to hire you back next year. This is now a crisis, and it is time for Congress to act.

I would at this point like to yield to my colleague from Oregon, my partner in this effort, H.R. 17, to reauthorize the Secure Rural Schools and Community Self-Determination Act, PETER DEFAZIO from southern Oregon, the Fourth District.

Mr. DEFAZIO. I thank the gentleman for yielding and for his leadership on this issue and for bringing this both to the attention of the House and the American people. Obviously, we don't need to do much to communicate the level of concern with people at home and in our districts, or even in hundreds of counties scattered across America.

In fact, across America, over 4,400 rural schools in 40 States will lose funding if this legislation is not reauthorized. 4,400 rural school districts. You can bet most of those rural school districts are already hurting trying to provide the next generation of young Americans with a good education. In some counties all the rural schools will be closed due to a lack of funding if this legislation is not reauthorized.

My colleague from Oregon already talked earlier about the highly publicized search and rescue that went on back at the end of last year, the begin-

ning of this year, for the Kim family. You know, this is not, this was a difficult search and rescue mission, since we didn't know where that family was. They were difficult to locate until later they were found by high-tech tech means.

But the fact is that we will not even have the capability to begin those searches in many counties in southern Oregon and, indeed, across the West and some other parts of the country if this legislation is not reauthorized. Deputy sheriffs are already receiving layoff notices. Counties don't have the same fiscal year as they have here in Washington D.C.

For many counties, the money authorized last October is going to run out about 3 months into their next fiscal year, so we have to begin now to send out layoff notices. We will have hundreds of thousands of square miles of the western United States with no rural law enforcement. What a mecca for meth dealers, organized crime and other criminal elements, potentially even terrorists, if our counties cannot support basic rural law enforcement services; 780 rural counties will lose funding for roads, roads that provide the movement of the trees to the mills that provide the movement of Americans to recreate in their great public lands. Those funds would dramatically cut and in some cases almost eliminate it.

Yes, we are talking about a lot of money here, you are right. It is a lot of money where I come from. It is a lot of money for most Americans: \$400 million a year is invested in counties and rural schools across America, and the return is many times that.

Let me talk about an element of something we haven't talked about yet. It is not just critical services, not just schools, not just law enforcement, not just search and rescue. It is actually benefits to the public lands. Here on chart 1, I have before and after photos of hazardous fuels reduction near Eureka, California, in an at-risk community adjacent to public lands in northern California, obviously before, after. That will cut fire fighting costs, it will save lives, it will save resources.

Here we have another that depicts peeled logs that are being used for temporary utility poles, actually in the southeastern United States after the Katrina disaster. Again, these came out of a watershed improvement program, a fuel reduction program, funded by these payments.

Then finally I have here, yes, economic diversification, local economic development, small investments in peeling logs and creating posts here at the Hayfork South Highway Three Fuels Reduction Project in California.

So these investments benefit the resource. So we are not just talking about crucial public services. We are also talking about money that we have put back into the resources. We live there. We know how valuable these resources are. We want to save them and

improve them for future generations; but without these funds, some of that investment will be put at risk.

Mr. WALDEN of Oregon. I would just like to follow up on something the gentleman said. You talked about law enforcement needs on these rural lands. Wheeler County, Oregon, population less than 2,000 people, has three deputies and a sheriff. Total of four are doing law enforcement. They will have to layoff a quarter of their force as a result of the loss of this program if we don't reauthorize it.

Now, I tell you that because they are responsible for patrolling 1,833 square miles. That is an area 30 times larger than the District of Columbia. You are going to have three officers, the sheriff and a couple of deputies, over 30 times the size of the district, you have got more than that probably standing right out behind us here.

Now, who are these deputies? One of them rides horseback. He is out riding horseback on Federal land, and what does he come across? I don't know if you can see this, but he comes across a \$19 million marijuana grove. These little vertical lines here, horizontal lines here, are a marijuana grove, a Mexican drug cartel with illegal nationals doing the cultivation.

It is amazing to me they got it to grow out there, but they did. It is a \$19 million growth spread over a quarter of a mile of Federal lands, and it was one of these sheriff deputies riding horseback that spotted this. These are on Federal lands. Why is the Federal Government doing this? Well, the Federal Government is helping to pay for some of this, but now it is breaking its promise.

I yield now to our colleague from Oregon (Ms. HOOLEY), who has been a real champion in helping us on this.

Ms. HOOLEY. I thank my colleague for yielding. I just want to talk a little bit about the commitment the Federal Government made. We made this commitment, as one of my colleagues said, almost 100 years ago, that we were going to help those counties that had a lot of timber. I used to be a county commissioner. Over 50 percent of the Clackamas County was in Federal forest land, which means we didn't get revenue from it.

When we first started this program, when we cut the timber, then we got revenue sharing. It was in lieu of taxes because this was land we couldn't tax, couldn't develop, couldn't tax. Then when the forest land came along, obviously those numbers were cut.

The rural counties had a double whammy. They lost good-paying jobs and they lost that revenue sharing. Almost 7 years ago, when we reauthorized this program to say we are going to help our rural communities, they are really important. I mean, rural communities, I think, are what keeps us the kind of country we are. I mean, that is where so many of our values were started.

We said we were going to help them, and we were going to help with roads,

and they have just the number of miles a rural county has, we are going to help with roads. We would help with those rural schools so that all of our children had a chance to go to school and have a good education. We said we would help with law enforcement, so we were trying to help those counties make sure they could keep going.

I want to tell you every county in my district is very frugal. I do not see programs that are wasteful. They spend every dollar they have as well as they can spend it.

If this, if we do not get the money for this program, let me talk a little bit about what is going to happen to some of my counties. One of my counties is Polk County. It is a small rural farming community. It is not as big as one of the counties you were talking about. It only has 740 square miles.

The county will essentially go down to five deputies from 18 now; six of those are paid by the Grand Ronde Tribe, and they can only patrol a small portion, but they will lose at least seven deputies. They have started a wonderful program to go after meth and drugs. They have been very successful. That program is going to be gone.

The county jail is going to lose two positions, and let me tell you something, they are already at the State minimum on county positions. I don't know what they are going to do when they lose two more. I don't know how they operate. They have a small district attorney's office. They are going to lose a secretary, and they are going to lose a DA, but this is just typical of what is happening in every county.

Now, I know you put up this chart, and I want to put it up one more time, because I think it is really important; and this is a chart that is what has happened to Federal timber receipts. All you have to do is look since 1994, you can see in 1990, it was the highest, or 1988, and then it has gone down and down and down. So the counties are no longer getting money from the timber receipts.

The only way we can keep these counties going is through this program that allows us to make sure that we can continue our rural communities and that we can continue our schools, that we can continue law enforcement. You talked a little bit about search and rescue. A couple of my counties have had huge cases this year where, and, again, you talked about loss of life with the climbers on Mount Hood, we talked about the Kim family.

Search and rescue, when you have a county that has a lot of wilderness, you get people that are lost. We all feel badly when someone is lost, and none of us will hesitate to go look for that person, but it means it takes resources, it takes money to make that happen. So the loss of money for these rural counties is just devastating to them. We made a promise, and I don't know about you guys, but I grew up in a family that said, if you make a promise,

you keep that promise. We need to keep our promises to our counties.

□ 2115

Mr. WALDEN of Oregon. If I could follow up. You talked about Polk County. Klamath County has a total law enforcement operation of 35 officers to patrol 6,000 square miles. 6,000 square miles. They have to cut that by a third. Sheriff Tom Evinger says they may well end up having no law enforcement patrols at night, nor do the state police patrol at night.

That is an area 100 times larger than the District of Columbia. And when they do patrol they will have no back up. I mean, this is really serious stuff, folks. Search and rescue as you mentioned, the loss on Mt. Hood, but the loss down in southern Oregon, those are just the two that caught the media's attention, and the country and the world's attention.

Let me suggest, as we all know from the northwest, there are many, many more search and rescue operations going on all of the time.

Ms. HOOLEY. They go on almost daily. I just want to mention another county. Tillamook County, which is a small coastal community. It is county that has struggled. And they struggle with high-paying jobs. They have had a terrible year with floods and wind storms. About everything bad that can happen to a county has happened to Tillamook County especially in this year.

But they are having to layoff anywhere from 25 to 60 employees, they do not know yet. But literally they will reduce their county road fund by half. Again, it is a county that has struggled with floods. They have had a lot of repairs. I tried to get into Tillamook County to go look at the damage from floods.

I found out, well, actually I couldn't get in from the north, I couldn't get in from the east, you had to go clear around and come in going south to north to actually get to Tillamook County. So many of their roads were just wiped out, and yet they are going to lose a good percentage of their county road fund.

Mr. WALDEN of Oregon. I would comment. And certainly the gentleman from southern Oregon too, that Lake County, this is 93 percent of their road budget. 93 percent of the road budget. I think you can probably put the State of New Hampshire inside Lake County and still have some room to graze cattle.

Ms. HOOLEY. I am sure you could

Mr. WALDEN of Oregon. This is so serious to those counties. We have got to get this done.

Mr. DEFAZIO. We have been joined by a couple of other Members, I am sure we want to get to those. But just a quick thing. I came from Lane County. I was a commissioner in the early 1980s, when we had a drop off in timber revenues due to markets and not as catastrophic as this. And yet at that

time, in a county this size, and we have to relate this to our colleagues back here, they cannot understand how big our districts are, a county which is just one of my counties, the size of the State of Connecticut had no rural law enforcement patrols outside of contract deputies and a couple of small communities, a county the size of the State of Connecticut. And we are headed back to that point in many counties in the western United States.

Ms. HOOLEY. I just want to remind people too in trying to get our colleagues to understand, this is not an Oregon problem, it is not just a Washington problem, it is not just a northern California problem, this is a problem across the United States. We are hit specifically very hard because of the amount of Federal forests that we have in our State. But this cuts across, I think it is 4,400 different school districts benefit from this program. It is absolutely critical.

Mr. WALDEN of Oregon. I do see we have been joined by a couple other of colleagues, CATHY McMORRIS ROGERS from the great State of Washington, who has been very active on forest and forest health issues when I chaired that subcommittee last session.

I know MIKE THOMPSON from northern California has joined us as well. He has been active in helping us on this. Perhaps we could turn from our colleague from Washington State.

Mrs. McMORRIS RODGERS. Thank you, Mr. WALDEN and Mr. DEFAZIO for your leadership on this issue, for organizing this time for all of us this evening.

I have the honor of representing a district in eastern Washington. We are known for our vast public forests in that area. We have over 2½ million acres of forest lands.

And these lands and this timber plays a very important role in our region's economy. Maintaining healthy forests is essential to those who make a living from the land, and for those who use it for other purposes.

Unfortunately there are a number of critical issues that impact the health and the economic stability of the forests in our region. As many have mentioned this evening, since 1908 the counties that host forest lands from which timber is cut receive a share from the Federal Government of the timber receipts, about 25 percent.

This is such important money for these counties and schools, used to fund road improvements, fire stations, police protection. And yet as the timber sales have declined, funding received by the counties and schools have also declined. It is because of that issue that we come before you tonight, and that the Secure Rural Schools Fund was originally established, and why it is so important that it continues to be established.

It is essential for the livelihood of rural communities in eastern Washington. The Federal Government owns the majority of the land in many of the counties I represent, like others have

mentioned tonight, for example Okanogan County, which is one of the largest counties in the country, it is 73 percent owned by the Government.

That means 27 percent of the remaining land that is under private ownership is the tax base for a county that is six times the size of Rhode Island. That is the funding from those lands that is used to support search and rescue. Last year they saved a woman's life. And this year they will be forced to cut the special training and equipment and the jobs of some of those who work on the team.

Without revenue from timber receipts, along with the inability to tax Federal land, these communities do not have enough money to provide essential community services and educational opportunities. I remain hopeful that we will be able to find the funding for the reauthorization of this program.

I am hopeful because we do not have another option. In Ferry County, the largest employer was Vaagen Brothers Lumber. I say was because they had to close in 2003. Ferry County has 18 percent private ownership of land. And they too are dependent upon these resources, and we need to keep the promise to our rural communities and schools.

In the State of Washington, half of the money from the secure rural schools goes to support schools. It means \$21 million for the State of Washington, and although I would prefer this money go to the schools that are actually timber-dependent schools, nevertheless it is important money to our schools.

For Newport, Washington it means a difference in music or art or maybe the difference in a foreign language teacher. Our timber-dependent schools simply do not have the capacity to make up this kind of funding cut. The purpose of this act is to stabilize payments to counties that help support roads and schools, provide projects that enhance forest ecosystem health, and provide employment opportunities among the Federal land management agencies.

I wanted to point out last year, just one example in my district, we had over 200,000 acres burn. Now this is in Okanogan County, this is a county that is nearly 75 percent owned by the Federal Government. And what we see here is the burn, the brown and the light yellow is where over 200,000 acres were burned.

The pink areas here 1½ percent of what burned is what is proposed to be salvaged. Hopefully soon, although it is in dispute too. This in my mind demonstrates part of the challenge that we have, because this is a recent example in a county that is desperate for support for community services, trees have been lost. In the past I would have preferred for us to be able to go in there, even like 10 years ago, and be able to harvest some of these trees, create some timber receipts for this county rather than facing this situa-

tion where we have had devastating burns, with now very little of that burn being able to be salvaged.

Mr. WALDEN of Oregon. I have here a chart showing wildland acres burned over the last several years. The yellow indicates the year 2000, the green is 2005, the red is 2006, and the blue indicates a 10-year average.

As you can see, this all starts back in May and ends in November. But, again, over several periods of years, last year, we saw record amounts of fire on Federal lands. In fact, we spent a billion and a half dollars fighting fire. We burned more than 9 million acres. That is a record. And it just keeps getting worse and worse. So we have got a real problem out in the forest, and that affects our communities and our counties, because when you have these fires, what happens? Law enforcement has to go out and manage the roads and manager the flow of people, and they are doing around-the-clock vigil work on do we have to evacuate or not.

And of course the Forest Service is involved too, but a lot of that burden falls on that local community. I have had whole communities close for very important times in the summer, because of fires approaching. Sisters, Oregon comes to mind. So your comment about wildfires is very apropos tonight.

Mrs. McMORRIS RODGERS. Like many of the counties in Oregon, I would say we face a similar situation in Washington State. And these are counties that do not want to be dependent on the Federal Government. They would prefer for the Forest Service to be managing these lands in such a way that would actually produce more timber receipts and result in a healthier forest so we do not continue to see these devastating fires every year, and they are getting worse every year.

But, unfortunately, that is not what is happening. In the meantime, we really do need to reauthorize the secure rural schools. That is so important to our local communities that are surrounded by these National forests.

It provided the funding for schools and roads, and right now is ensuring that our rural communities survive these difficult times. I thank you for the opportunity to speak.

Mr. WALDEN of Oregon. We thank you for coming out tonight to share your comments with our colleagues and others about the importance of trying to get this reauthorized. I would yield now to our distinguished colleague, the gentleman from the first district of California, MIKE THOMPSON, whose district receives more than \$6 million a year to help cover the costs of law enforcement, education, and other natural resource work that goes on there. So I yield to my colleague from California.

Mr. THOMPSON of California. Well, I thank the gentleman for yielding. I want to thank all of you who have taken time to come to the floor tonight to talk about this very, very im-

portant issue, an issue that impacts all of our districts, and most important the people that live within our districts.

Mr. Speaker, and Members of this House, the Secure Rural Schools and Community Self Determination Act was created to provide critical education and transportation funding for all of the counties that do not receive property tax from lands managed by the National Forest Service and the Bureau of Land Management.

This program was enacted by this Congress to compensate local governments for the tax exempt status of these public lands. The law authorizing these payments, as you have heard tonight, expired at the end of fiscal year 2006.

And all of the counties that are touched by this issue received their last payment on December 2 of 2006. If we do not reauthorize this funding by the 15th of March, county school districts will have to fire teachers, and reduce critical education programs.

Counties will be forced to slash their transportation budgets. My Congressional district is heavily impacted by this issue, because of over 1.2 million acres that are managed by the National Forest Service.

The National Forest Service acreage in my district is twice the size of the State of Rhode Island, and every single acre is exempt from property tax. No county in my district will be hurt more than Del Norte County. I have a map of Del Norte County, not wanting to be outdone by my friends with their visuals, but no county will be hurt more in my district than Del Norte County, where nearly 80 percent of the county, 80 percent of all of the land within the county is owned by our Federal Government.

Jan Moorehouse, the Superintendent of the school district up in Del Norte, and she was I think very, very succinct in pointing out the problem. I will just tell you what she said. I cannot say it any better.

She said, the loss of funding is heart wrenching and carries an enormous impact on our ability to fund critical education programs for our youth. This is our future leaders. These are the people that will serve in Congress, serve in the State legislature, run the businesses, be on the city council, the people that will make the money to generate the greatness that our country is known for.

□ 2130

And we are taking money right out of their education, the things that will benefit them the most. Without this funding, the school district will have to increase their class size and lay off as many as 25 teachers. And that may not seem a lot to big city school districts, but up here it is nearly 10 percent of the entire teaching faculty. With more students and less teachers, this will dramatically reduce the student to teacher ratio and shortchange our kids.

In addition to the loss of faculty, Del Norte County School District will have to close their art and music programs, and some of the smaller schools in our county will have to close completely because they won't have the money to keep the doors open. Now, this is going to require that the school district bus students who live far from town travel over an hour each way to school on seasonably treacherous rural mountain roads.

Other county school districts in my district will also be hit hard and will have to eliminate teachers and staff for early literacy programs, special education and arts education. The Klamath-Trinity School District on the Hoopa Indian Reservation will have to lay off eight teachers, nearly 15 percent of their entire faculty.

And as I mentioned earlier, the Secure Rural Schools and Community Self-Determination Act also provides critical funding for county transportation needs. Again, this is because the counties do not receive property tax from land managed by the National Forest Service and the Bureau of Land Management. Humboldt County in my district has over 1,200 miles of county roads. The funding this program provides represents a large portion of that county's road maintenance budgets. Humboldt County has a maintenance backlog of over \$150 million. Many other rural counties have similar backlogs, and the loss of this funding is going to be devastating.

Back in Del Norte County, the transportation money from this program represents 20 percent of the county road budget. And to add insult to injury, 40 percent of the county roads in Del Norte County are within the national forest. So the county is responsible for maintaining the roads in the very areas that are exempt from property taxes.

Mr. Speaker and Members, I urge this Congress to reauthorize and to fund this very important program as soon as possible. It is unconscionable for the Federal Government to walk away from our obligation to help these rural counties. Rural counties depend on these funds. They have no other option. We made a commitment, and it is up to us to follow through on that commitment.

Again, I thank you for taking the time to put this Special Order together and help us convince all of our colleagues how necessary and how important this program is and how critically important these funds are to a large area within our great country.

Mr. WALDEN of Oregon. Thank you, Congressman THOMPSON. We appreciate your vigilance in our efforts to try and get this reauthorized; and your comments tonight, I think, are very powerful in our efforts. You talk about roads. Morrow County road department has 19 employees to service 850 miles of county roads. They are going to be forced to lay off at least seven, perhaps as many as nine.

Wallowa County, 700 miles, county roads maintained by a staff of 14. Soon there will only be seven. That is possibly one person for every 100 miles of road or the same distance from here to Richmond, Virginia. You would have one road maintenance person. This story is repeated over and over in my district, Congresswoman HOOLEY's district, your district, Congressman DEFAZIO's district, Congresswoman MCMORRIS RODGERS' district. All over the rural West we are facing this enormous problem.

And people love to come out into their Federal forests. I love to get out into our Federal forests. I love to backpack and do all the things many of us do. It is a wonderful attraction. But people get lost, they get injured, and who is there to pick them up? The local county. The county sheriff, the local rescue patrol. And that is why this funding is so important so they will have the resources, they will have the people when you break a leg or you fall down an ice shaft somewhere. There is somebody to come get you. And that is just the rescue part and the police part. We have talked a lot about the schools as well.

I know my friend from Clackamas County, Congresswoman HOOLEY, did you want to comment?

Ms. HOOLEY. Well, this is a program that has worked well over the last 6 years. It has helped bridge that budget gap created due to the lack of timber harvested from our forest. And, again, I want to remind people this is distributed to over 42 States; 4,400 rural school districts receive funding.

If we want to support our rural communities, if we want to make sure that we have roads to drive on, if we believe law enforcement is important to every part of our State, then we have to figure out how to solve this problem.

And I thank you and Representative DEFAZIO for all the work that you have done. But we have a full blown crisis on our hands. That is what this is. This is a crisis. And it will take support from our colleagues from both sides of the aisle to help our rural communities that are, frankly, in dire straits. This is not just a little problem. This is a great big huge problem for our rural communities.

So I would urge my friends to join us in our effort to reauthorize this program and pass a 1-year extension to give us a chance to work through these difficult issues.

And, again, I thank you for all the work that you have done on it.

Mr. WALDEN of Oregon. And we appreciate your help on it too. And I think we have all signed a letter to the appropriators asking them that in the emergency supplemental they fund at least a 1-year extension while we work on a longer equitable solution to this problem.

My colleague from southern Oregon.

Mr. DEFAZIO. My friend, Representative HOOLEY, mentioned reauthorization. I do want to thank the chairman

of the Resources Committee, Nick Rahall from West Virginia. And, yes, this touches West Virginia too. There are communities at risk there that are working hard to help us move the reauthorization bill for the longer-term funding in the Resources Committee, hopefully next month.

And obviously my colleague from southern Oregon, Representative WALDEN, when he was Chair of the Forest Subcommittee of Resources, he and I, quite quickly, and I think just about, almost 2 years ago—

Mr. WALDEN of Oregon. March of 2005 we moved it out of subcommittee.

Mr. DEFAZIO. Moved the authorization out, but it unfortunately got hung up in the process and never did become law although we certainly saw more action on this side of the Hill than we did in the Senate.

Mr. WALDEN of Oregon. Would you yield just on one point?

Mr. DEFAZIO. Yes, sure.

Mr. WALDEN of Oregon. Because you mentioned West Virginia. And Rita Griffith from Pocahontas County, she is a commissioner there. She says nine full-time teaching positions will be cut and funding for an after-school forestry education program will be lost. She is from Pocahontas County, West Virginia. I have got examples from Alaska and Arizona to California and West Virginia, so you are right.

I thank the gentleman for yielding.

Mr. DEFAZIO. And just since the gentleman from California had referenced Del Norte County, I just want to talk about the county immediately to the north of that which would be Curry County, Oregon.

Now, some people will say, look, why don't these counties just suck it up and take care of their own problems, raise the taxes? Well, in Oregon, our local property tax structure is dictated by the State because of a property tax initiative similar to the one that passed in California. The local commissioners do not have any options when it comes to that.

Now, if Curry County was going to grow its way out of this problem, a county that today has 12,000 houses valued at about \$250,000 each, they would have to add 35,000 houses valued at \$350,000 each, quadruple the size of the county. And, unfortunately, since they are constrained by public lands—

Mr. WALDEN of Oregon. And the ocean.

Mr. DEFAZIO. And the Pacific Ocean, some of those would have to be house boats, I guess.

Ms. HOOLEY. It is hard to have a house boat in the ocean.

Mr. DEFAZIO. But it is very serious. And there they are looking at the lay-off of 16 of the 43 employees in the Curry County Sheriff's Office. And the sheriff would just then only be able to supervise the jail. There would no longer be a rural law enforcement, which obviously jeopardizes the traveling public and, again, raises the potential, as the gentleman from southern Oregon who represents also eastern

Oregon pointed out, of a vacuum into which some of these gangs that are highly organized in this country, some of which have come across the border from Mexico could infiltrate for methamphetamine production or even growing marijuana.

Mr. WALDEN of Oregon. And, in fact, you think about in our State and in Northern California how many meth labs have been found on Federal lands, found by county sheriffs deputies generally. They are the ones out there. Now, there are other law enforcement agencies, but a lot of it is that.

And I showed you the marijuana growing that that lone deputy, by himself, no backup, on horseback out riding in the Federal lands, found 6,000 plants in a Mexican cartel drug trafficking operation. This is going on out on Federal lands. And it is not like the Forest Service has a huge police force to go patrol their own lands. They don't. And so it is a severe problem.

Ms. HOOLEY. I just want to add to the whole, when you are talking about drug problems and meth problems, we were one of the States that had, the west coast was hit the hardest with meth. It has now moved east. But I was just going to say, it is the rural counties that are hit more by meth than are the urban counties because they can go out in the forest, they can make meth, cook meth out in the forestlands, grow marijuana. But we spend a lot of our time out there looking for drug problems, and it is a huge issue in all of our rural counties.

Mr. DEFAZIO. But of course it ends up in a lot of urban areas, so it is their problem, too.

Mr. WALDEN of Oregon. Exactly. We have been joined by our colleague from Northern California, Wally Herger, who serves the adjoining area, at least to mine. And I don't know if he touches up against your district or not. But he does an extraordinarily able job representing Northern California and has been very active in forestry issues and forest health issues over the years. And we are delighted you could join us tonight to talk about the importance of reauthorizing H.R. 17.

Mr. HERGER. I thank the gentleman, my good friend from Oregon, Mr. WALDEN. And I thank the work that Mr. DEFAZIO is doing and the others in this incredibly, crucially important issue that affects those of us in rural areas of the West, particularly, and in these forested areas.

Like both of you, I have a heavily forested district and I understand the challenges that our rural communities face because of the large Federal presence in our area.

Many of our fellow citizens, and even some of the Members of this body, do not realize that the presence of Federal lands places a burden on nearby communities. I am so pleased to join you tonight in shining the light on that fact and reminding our colleagues that the Secure Rural Schools program has expired and is in need of reauthorization.

In my district of Northern California, school boards, county officials, and sheriff departments are currently in crisis mode. For example, Siskiyou County is looking at a 91 percent loss in school funding. In Tehama County, library hours, music, art, and physical education classes will be dramatically cut.

And this crisis extends well beyond education. County road safety programs will be decimated as well. Sheriff departments will also bear the brunt of these cuts. In total, eight of my 10 counties are experiencing drastic budget declines because Congress has not extended the Secure Rural Schools program.

It is important to point out to our friends who represent urban areas that this crisis is not the fault of rural counties. It is the fault of Federal policies that are out of their control, specifically the failure of Congress to address that burden by extending the Secure and Rural Schools program.

In my home State of California, close to half of the land area is owned by the Federal Government. And in my district that number is considerably larger. In one of my counties, nearly 90 percent of the land is under Federal ownership. This large Federal presence has placed the counties I represent at a severe economic disadvantage. Acreage that would normally be privately owned and, therefore, generating tax revenue to help fund essential local services, is, instead, locked away by the Federal Government.

President Teddy Roosevelt and our predecessors who served in the 60th Congress recognized this problem and addressed it with a promise which was enshrined in the law in 1908, that the Federal Government would pay its fair share of local costs by sending a percentage of national forest revenues to the counties that are home to Federal lands.

This promise acknowledged that the rural counties we represent would not be able to fund vital services like rural education, road maintenance and emergency care as long as enormous tracts of land within their boundaries were locked away under Federal control.

We need to be very clear about the nature of the promise that was struck between Congress and rural forested counties. These funds were not designed to be a handout, and they are not part of any federally sponsored rural development program. They are an obligation. They are part of a compact between the Federal Government and the people of rural America in recognition of the difficulties created by large Federal ownership. This compact must be honored by the 110th Congress that we are currently in.

□ 2145

The rural counties I represent, and I know this is true in other areas throughout the West, have sacrificed a great deal playing host to America's national forests. I don't think it is too

much to ask for this Congress to set aside a fraction of our \$2.9 trillion budget in order to keep our word to rural America. We need to act immediately to extend the Secure Rural Schools safety net so our rural counties can get out of crisis mode, and then we can all get back to working on a long-term solution to our forest health problems.

Again, I would like to thank my colleagues here tonight for your efforts to extend the Secure Rural Schools program. I am committed to working with each of you until we are successful, and I ask other Members of the House to recognize the incredible hardships that will result if this legislation is not renewed.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman from the Second District California.

We appreciate your great work on forest health issues and your support of this effort. You mentioned this was just a fraction of what we spend federally for the Federal Government to keep its word. As you recall, we tried to get an amendment on the floor during the debate over the continuing resolution a week or so ago and we would have paid for that by just taking a fraction of what is spent for the whole government. That fraction was .00086 percent of the Federal budget that would pay for this; but not just pay for it, it would keep the commitment of this government to the people out West and elsewhere where there are forests that have been there for up until now 100 years basically, 99 years. So it doesn't take a lot to keep your word, and we need to keep the promise regarding forest health and schools and roads and other things.

So we appreciate your work on this, Congressman HERGER. Thanks for your leadership.

Mr. DEFAZIO. Mr. Speaker, let me just mention two other counties. I have got a list here. I see another gentleman from Washington that we want to hear from him. But the most heavily impacted county in my district will be Josephine County, and their general fund revenues have dropped 69 percent. Again, a dramatic loss of public safety.

Mr. WALDEN of Oregon. That is a county we share.

Mr. DEFAZIO. Right. And road services. And then in Coos County, more than half the general fund. Layoff notices have already gone out to 100 out of a 430-person workforce. Again, the deepest cuts, because it is the largest proportion of the budget, public safety, again, the loss of patrol deputies. It is going to be a very, very difficult time when tourists from all across America come to southwest Oregon this summer. If they are in an accident or have other problems in rural areas across large swaths of our State, there will be no immediate help for them.

Mr. WALDEN of Oregon. Most of the States this side of the Mississippi have less than 7 or 8 percent Federal ownership. In my district, much like like

yours, Deschutes County is 79 percent federally controlled. Lake is 78; Harney is 78; Malheur is 76; Hood River is 72; Grant is 61; Wallowa is 58; and Baker is 53 percent of the land masses under Federal ownership and control. That is why this is so important that the Federal Government keep its word.

I would like now to yield to our good friend and colleague from the Fourth District of Washington, the Honorable Doc HASTINGS, whose district receives \$8.8 million a year to help with roads and schools in a very federally dominated area.

DOC, you have been a terrific leader in this effort, and we appreciate your coming down tonight.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding.

And I want to thank you and I want to thank Mr. DEFAZIO, both, for your work on this not only in this Congress, but your yeomen's work at the end of the last Congress to try to get this problem resolved. And I apologize for coming down late. I wanted to participate more fully, but the Rules Committee is meeting, as we are speaking, on the Iraq issue. So I was up there and didn't have a chance to come down.

But let me make a couple of points here. This really is about keeping a commitment that was made by the Federal Government to the counties. And you just made the point there that States with counties in the western part of the United States have a lot of Federal ownership. I have two counties that I just want to talk about in my district where over 80 percent of their land is owned by the Federal Government. Now, by definition that means that 80 percent of the taxable land that the county commission would have is not subject to taxation.

The decision was made over 100 years ago for these national forestlands, which is principally in my area. I know you have some development lands in yours. But since they don't have taxation, they said okay. Deals were worked out many years ago that you can have the revenue from harvesting the timber, which worked out very, very well. So that is the Federal policy that was made. The Federal Government owns the land in these counties; so, therefore, they can't tax it. It is Federal policy. In the early 1990s, another Federal policy or interpretation, I should probably say, of a Federal policy has led to a decline in timber receipts, as you can see here by the chart.

Mr. WALDEN of Oregon. This chart here shows it very clearly.

Mr. HASTINGS of Washington. When President Clinton, to his credit, tried to come up with a forest plan, the current level at that time of timber harvest was 4½ billion board-feet, and the promise was that you could at least harvest 1.1 billion, 25 percent of it. We are not even close to that. We are not even close to that because the interpretation of that law and the ensuing law-

suits have kept any activity in these multipurpose areas. And I should make this point: This is national forestland. National forests were created to be multipurpose, including commercial activity. If you want to lock it up and not have any activity at all, the way to do that is put it in a wilderness area. This is not wilderness. Some de facto policies, unfortunately, in the past have led to sometimes this being treated as wilderness areas but it is not. So as a result of this, as a result of the timber receipts going down, these counties who relied on the Federal receipts from timber because they couldn't tax land now are facing huge, huge cuts.

Chelan County in my district, one of the counties that has 80 percent ownership by the Federal Government, will have severe cuts in education, road maintenance, search and rescue, and this is a big tourist area up there, and the forestry education programs. Skamania County, a small county in the southern part of my district, loses 40 percent of its school budget. Forty percent of its school budget. And here we are and that 40 percent starts at the end of last year and they have to get through the end of the year.

So this is something that needs to be resolved, and I really appreciate your allowing me to come down to participate in this. Both of you have been really champions on getting this through. And, hopefully, we will be successful sooner rather than later, because these counties and these communities in our States simply can't wait.

Mr. Speaker, I join my colleagues here this evening to urge this Congress to take action now and extend the Secure Rural Schools and Community Self-Determination Act, commonly referred to as the county payments bill. This bill is an essential lifeline of support for rural communities throughout the country that are impacted by federal forest land ownership.

I thank my colleagues, GREG WALDEN and PETER DEFAZIO, for their steadfast efforts to address this problem.

What we are talking about here tonight is keeping a promise—a promise made to county governments a century ago in what was then still the early years of the National Forest system. County governments, of course, cannot tax the Federal Government. However, they still must provide for schools, roads, and emergency services. The Congress recognized this reality when it promised these communities that they would get a fair share of revenue produced from federal forest lands as compensation for the tax exempt status of federal forest lands. This revenue sharing, which Congress made permanent in 1908, served all parties well and was for many years an equitable solution to the problem.

Unfortunately, since the early 90s, special interest groups that oppose federal timber sales have used the Endangered Species Act to bring harvest activities in the Pacific Northwest to a standstill. The Clinton administration attempted to resolve the crisis by brokering the Northwest Forest Plan in 1994, which called for setting aside 80 percent of the federal forests in the Northwest and allowing for a modest level of continued harvest on some

of what remained. This was supposed to produce a steady and reliable level of timber to help meet the growing U.S. demand for building materials and wood products.

However, even this compromise was not good enough for the radical environmentalists that have continuously used litigation to sharply limit federal harvest levels. What resulted is the closure of hundreds of mills throughout the Northwest—leaving thousands of people without family wage jobs and many counties with little or no compensation for the impact of federal land ownership. Today, we import more wood products than we ever did before, and the spotted owl—which was supposedly what all the litigation was about—isn't any closer to recovery as a result of our de facto zero harvest policy.

Fortunately, the Congress at least recognized the dramatic impact to local governments caused by the sharply declining Forest Service timber receipts. This is why we passed the Secure Rural Schools and Community Self-Determination Act in 2000. This law, which expired at the end of Fiscal Year 2006, enabled local governments to either remain with the traditional receipt sharing system or take a payment based on historical harvest levels. In addition, it authorized funding for local governments to work in cooperation with interested stakeholders to carry out special forest restoration projects. These payments made the difference for many county governments that would otherwise not be able to provide essential services.

Today, however, the future of these payments is in doubt. Despite the many efforts on both sides of the aisle, we were unable to secure an extension of this bill before the 109th Congress adjourned. I am proud of the fact that the House did at least identify and act upon a couple of legislative items last year that would have helped offset the cost of the reauthorization. However, the situation remains that we need to find a way to get the county payments extension through the Congress and on to the President. Time is quickly running out for these rural communities.

Let me give you examples of what will happen to two of my counties if we fail to act now.

Chelan County, which is almost 80 percent federally-owned land, will face severe cuts in education, road maintenance, search and rescue operations and many other county services. In addition, they would be forced to eliminate the Forestry Education Program, which takes "at risk kids" from several local rural school districts and involves them in hands on habitat restoration projects during the summer. This program is administered with the help of Washington State University and local employees of state and federal agencies and has been recognized by the National Association of County Officials.

In Skamania County, which is more than 80 percent tax exempt federal land, the local school districts will lose 40 percent of their current budget. That means the loss of dozens of teachers and support positions, the shuttering of school buildings, and dramatic cutbacks in classes and extracurricular offerings. The county government would be forced to cut more than half of their law enforcement personnel, road workers, and court employees. These people will likely have to leave the county to find alternate employment, taking their families with them and further eroding the county's economy.



Mr. Speaker, these are just a couple of examples of the kinds of the consequences to real communities if we fail to act. I again urge the leadership of the Congress to move the extension of the county payments bill on the next available legislative vehicle. Let's keep our promise to these local governments and reauthorize the Secure Rural Schools and Community Self-Determination Act before it's too late.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for his work and his help in the Rules Committee and on this issue.

You have been most diligent and most helpful and we appreciate your comments tonight. Harney County Judge Steve Grasty has said, "Loss of this program means losing future opportunities for young people here and in rural counties across America." We have comments like that, and I am sure Peter does as well, from every county that is affected, every school superintendent who is trying now to work with their school boards to figure out who stays, who goes, what gets cut, what gets left behind, and what do we do to help rural kids keep up in a school system that is going to be devastated by the loss of these dollars.

This is a national problem. These are national lands. National policy determines what happens on these lands, and you can see by the reduction in Federal timber receipts, one of the outcomes of Federal policy has been near elimination of receipts, which has brought us to this legislation, which now is expired. And I appreciate the work of my colleague from the Fourth District of Washington as we work to reauthorize this to keep the Federal Government's promise to rural schools, rural roads, rural counties, and our Federal forestlands.

And I yield to my colleague.

Mr. DEFAZIO. Well, again just to reiterate, 4,400 school districts across America, I believe, of more than 800 counties are impacted. Critical law enforcement, public safety, search and rescue services, road maintenance services, schools, school class size, school infrastructure, all these things are on the cutting block. Benton County in my district tried a levy. It failed. Again, the cuts will be targeted at law enforcement and the sheriffs' offices. That is the biggest part of the general fund for virtually all my counties. They have no choice.

Mr. WALDEN of Oregon. I am told our time is about up. I just appreciate your help and that of our colleagues.

I would encourage all of our colleagues who are listening tonight, help us pass H.R. 17. Help us keep the promise to these rural people who are surrounded in their areas by Federal lands, which are gorgeous and we love them, but we need your help to deal with them.

Again, I thank all of our colleagues who came down at this very late hour on the East Coast to share their comments and concerns. And together we can keep the promise for America.

Mr. BAIRD. Mr. Speaker, I rise today to express support for full reauthorization of the Secure Rural Schools and Community Self-Determination Act.

My district in southwest Washington state is one of the 10 most forested districts in the entire country. Because so much of the land in my district is under the control of the Forest Service, counties in my district like Lewis, Skamania, and Cowlitz rely on the Secure Rural Schools program. They are among 27 counties in Washington state that rely on funds of over \$40 million a year.

These communities do not want to rely on this program, but a long series of events have left them without recourse.

For decades, heavily forested counties could rely on 25 percent of revenue generated by timber harvest in our federal forests. National Forests cannot be taxed locally, so this was a fair exchange. As timber harvest plummeted in the 1980s and 1990s, these local governments were left with barely enough funds to operate essential government services, including schools. The 2000 Secure Rural Schools and Community Self-Determination Act saved these communities from dying off. It has allowed them to hire teachers, keep libraries open, and provide the services that many of us take for granted.

And Secure Rural Schools is about more than county payments. The program also authorizes Resource Advisory Councils and designates 15 percent to 20 percent of the county payments towards these Councils, known as RACs. RACs bring together members of the community including environmentalists, labor groups, and local elected officials to collaborate on necessary forestry projects. These forestry projects include preventive thinning that limits the danger of fires in our forests. Over 9 million acres of land burned in fires in 2006. Collaborative efforts to prevent this damage are a model that needs to be refined and expanded. That can only happen if we continue funding the program.

For the 780 counties, 4,400 school districts, and millions of Americans affected by this program, I implore my colleagues to help reauthorize and fund the Secure Rural Schools and Community Self-Determination Act. If we fail to reauthorize this critical program, counties in my district will see their school district budgets cut by more than 40 percent, community programs and services will be slashed, and jobs will be lost.

We must act now.

#### RECESS

The SPEAKER pro tempore (Mr. CARNEY). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2255

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARDOZA) at 10 o'clock and 55 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 63, IRAQ WAR RESOLUTION

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110-12) on the resolution (H. Res. 157) providing for consideration of the bill (H. Con. Res. 63) disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAMER (at the request of Mr. HOYER) for today on account of a death in the family.

Mr. EDWARDS (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. KAGEN (at the request of Mr. HOYER) for today on account of travel problems.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for February 5 through February 16 on account of medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. COSTA, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, February 15.

Mr. BISHOP of Utah, for 5 minutes, February 13.

Mr. BURTON of Indiana, for 5 minutes, today and February 14, 15, and 16.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

#### ADJOURNMENT

Ms. SLAUGHTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes

p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 13, 2007, at 9 a.m., for morning hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

588. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Direct Single Family Housing Loans and Grants (RIN: 0575-AC54) received January 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

589. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Healthy Tomorrows Partnership for Children Program (RIN: 0906-AA70) received January 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

590. A letter from the Chief of Immigration Unit, Department of Justice, transmitting the Department's final rule — Board of Immigration Appeals: Composition of Board and Temporary Board Members [EOIR Docket No. 1581] (RIN: 1125-AA57) received December 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

591. A letter from the Federal Register Certifying Office, Department of the Treasury, transmitting the Department's final rule — Administrative Offset Under Reciprocal Agreements With States (RIN: 1510-AB09) received January 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

592. A letter from the Chief, Office of Regulation Policy & Mgt., VA, Department of Veteran's Affairs, transmitting the Department's final rule — Accrued Benefits (RIN: 2900-AM28) received December 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

593. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Ruling and determination letters (Rev. Proc. 2007-8) received January 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

594. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories (Rev. Rul. 2007-6) received January 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

595. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2007-12] received January 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

596. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2007-5) received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

597. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of the Substantial Assistance Rules [Notice 2007-13] received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR. Committee on Transportation and Infrastructure. H.R. 342. A bill to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr., United States Courthouse", with amendments (Rept. 110-10). Referred to the House Calendar.

Mr. OBERSTAR. Committee on Transportation and Infrastructure. H.R. 798. A bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy (Rept. 110-11). Referred to the Committee of the Whole on the State of the Union.

Ms. SLAUGHTER. Committee on Rules. House Resolution 157. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 63) disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq (Rept. 110-12). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself and Mr. DINGELL):

H.R. 979. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself and Mr. DUNCAN):

H.R. 980. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Education and Labor.

By Mrs. JONES of Ohio (for herself and Mr. ENGLISH of Pennsylvania):

H.R. 981. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. WOLF, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, Mr. DREIER, Mr. ACKERMAN, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, and Mr. SMITH of New Jersey):

H.R. 982. A bill to promote democratic values and enhance democracy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas (for himself and Mr. PICKERING):

H.R. 983. A bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for

that purpose; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. TOM DAVIS of Virginia):

H.R. 984. A bill to provide for reform in the operations of the executive branch; to the Committee on Oversight and Government Reform.

By Mr. WAXMAN (for himself, Mr. PLATTS, Mr. VAN HOLLEN, and Mr. TOM DAVIS of Virginia):

H.R. 985. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. SHAYS, Ms. DeLAURO, Mr. LARSON of Connecticut, and Mr. MURPHY of Connecticut):

H.R. 986. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. TANNER (for himself, Mr. GILLMOR, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. WEXLER, and Mr. GALLEGLY):

H.R. 987. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CALVERT:

H.R. 988. A bill to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office"; to the Committee on Oversight and Government Reform.

By Mr. BOREN (for himself and Mr. CHABOT):

H.R. 989. A bill to prevent undue disruption of interstate commerce by limiting civil actions brought against persons whose only role with regard to a product in the stream of commerce is as a lawful seller of the product; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. McKEON, Mr. HINOJOSA, and Mr. KELLER):

H.R. 990. A bill to provide all low-income students with the same opportunity to receive a Pell Grant by eliminating the tuition sensitivity provision in the Pell Grant program; to the Committee on Education and Labor.

By Mr. CAMPBELL of California:

H.R. 991. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Ways and Means.

By Ms. DeLAURO:

H.R. 992. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal

be labeled accordingly, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY:

H.R. 993. A bill to amend title 18, United States Code, to reaffirm the intent of Congress in the Sentencing Reform Act of 1984, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL of New York (for himself, Mr. HINCHEY, Mr. ENGEL, Mrs. LOWEY, and Mr. SHAYS):

H.R. 994. A bill to require the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of the Indian Point Energy Center; to the Committee on Energy and Commerce.

By Mr. HARE (for himself, Mr. KIRK, Mr. LOBIONDO, Mr. CARTER, Mr. BARTLETT of Maryland, Mr. PEARCE, Mr. BOREN, Mr. MOORE of Kansas, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. RUSH, Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. WALZ of Minnesota, Mr. MITCHELL, Mr. EMANUEL, Mr. SHIMKUS, Mr. JOHNSON of Illinois, Mr. HALL of New York, and Mr. ROSKAM):

H.R. 995. A bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Natural Resources.

By Ms. KAPTUR (for herself, Mrs. CAPPS, Ms. NORTON, Mrs. MALONEY of New York, Ms. MILLENDER-MCDONALD, Ms. DELAUNO, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Mr. PALLONE, Ms. HIRONO, Mr. REHBERG, Ms. WATERS, Ms. BERKLEY, and Ms. WASSERMAN SCHULTZ):

H.R. 996. A bill to provide for the issuance of a semipostal in order to afford a convenient means by which members of the public may contribute towards the acquisition of works of art to honor female pioneers in Government service; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. KING of New York, Mr. SALI, Mrs. BACHMANN, Ms. FOX, Mr. BURTON of Indiana, Mr. PENCE, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. FEENEY, Mr. PRICE of North Carolina, Mrs. McMORRIS RODGERS, Mr. GINGREY, Mr. SESSIONS, Mr. BURGESS, Mrs. CUBIN, Mr. SAXTON, Mr. MILLER of Florida, Mr. SHUSTER, Mr. WESTMORELAND, Mr. LINDER, Mrs. CAPITO, Mr. HALL of Texas, Mr. LEWIS of Kentucky, and Mr. CULBERSON):

H.R. 997. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by

the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself and Mr. LEWIS of Georgia):

H.R. 998. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on House Administration.

By Mr. MILLER of Florida:

H.R. 999. A bill to provide for the Secretary of Agriculture to release the reversionary interest of the United States on certain land in the State of Florida if encroachments and trespassing have occurred on that land, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON (for herself, Ms. KILPATRICK, Mr. LYNCH, Mr. DELAHUNT, Mr. MARKEY, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. OLIVER, Mr. CAPUANO, Mr. TIERNEY, and Mr. NEAL of Massachusetts):

H.R. 1000. A bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation; to the Committee on Financial Services.

By Mr. SPRATT:

H.R. 1001. A bill to amend the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 to extend the date for the President to determine if Haiti meets certain requirements, and for other purposes; to the Committee on Ways and Means.

By Mr. SPRATT (for himself and Mrs. MYRICK):

H.R. 1002. A bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulation are not successful; to the Committee on Ways and Means.

By Ms. WATSON:

H.R. 1003. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Affairs.

By Mr. WOOLSEY (for himself, Mr. GRIJALVA, Mr. LANTOS, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. SCOTT of Virginia, Ms. NORTON, and Ms. KILPATRICK):

H.R. 1004. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. SKELTON (for himself, Mr. LANTOS, and Mr. JONES of North Carolina):

H. Con. Res. 63. Concurrent resolution disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE:

H. Con. Res. 64. Concurrent resolution expressing the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to

complete their assigned missions; to the Committee on Armed Services.

By Mr. LIPINSKI:

H. Res. 152. A resolution expressing the sense of the House of Representatives that the President should transmit to Congress detailed reports on the situation in Iraq to facilitate greater congressional oversight, work with the international community to create an international peacekeeping force and reconstruction program for Iraq, and seek to convene a peace conference in a neutral location to encourage Iraq's ethnic and religious factions to achieve the important goals of national reconciliation, security, and governance for Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PUTNAM:

H. Res. 153. A resolution electing minority members to a committee of the House of Representatives; considered and agreed to.

By Mr. COHEN:

H. Res. 154. A resolution recognizing Stax Records for enriching the Nation's Cultural life with "50 years of soul"; to the Committee on Education and Labor.

By Mr. CROWLEY:

H. Res. 155. A resolution condemning the assassination of human rights advocate and outspoken defender of freedom of the press, Turkish-Armenian journalist Hrant Dink on January 19, 2007; to the Committee on Foreign Affairs.

By Mr. MORAN of Virginia:

H. Res. 156. A resolution honoring and thanking John Thomas Caulfield for a lifelong professional commitment to public service and for his years of dedicated service on behalf of the United States Capitol Police, the Capitol Police Board, and the Congress; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

### Under clause 3 of rule XII.

Mr. GONZALEZ introduced a bill (H.R. 1005) for the relief of Vicente Beltran Luna; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

February 12, 2007

H.R. 23: Mr. SHIMKUS and Ms. ESHOO.

H.R. 25: Mr. TIAHRT.

H.R. 34: Mr. COHEN.

H.R. 37: Mr. DENT.

H.R. 42: Mr. GUTIERREZ and Mr. AL GREEN of Texas.

H.R. 43: Mr. GUTIERREZ and Mr. BISHOP of Georgia.

H.R. 50: Mr. BROWN of South Carolina.

H.R. 73: Mr. MCINTYRE, Mr. YOUNG of Alaska, and Mrs. MYRICK.

H.R. 82: Mr. ALEXANDER, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mrs. BONO, Mr. LINCOLN DAVIS of Tennessee, Mr. FORBES, Mr. GERLACH, Mr. KANJORSKI, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PORTER, Mr. ROSKAM, Mrs. SCHMIDT, Mr. SIMPSON, Mr. STUPAK, Ms. SUTTON, and Mr. YARMUTH.

H.R. 84: Mr. MCCOTTER.

H.R. 85: Mr. MILLER of North Carolina.

H.R. 119: Mr. PAYNE.

H.R. 137: Mr. ARCURI.  
 H.R. 139: Mr. CALVERT.  
 H.R. 156: Mr. FATTAH and Ms. SCHAKOWSKY.  
 H.R. 169: Mr. GORDON.  
 H.R. 180: Mr. TANCREDO.  
 H.R. 184: Mr. DAVIS of Alabama.  
 H.R. 197: Mr. LEWIS of Georgia, Ms. BALDWIN, Mr. MOORE of Kansas, Mr. BOSWELL, and Mr. LEWIS of Kentucky.  
 H.R. 207: Mr. WAXMAN.  
 H.R. 211: Mr. LEVIN and Ms. KILPATRICK.  
 H.R. 213: Mr. ACKERMAN.  
 H.R. 260: Ms. SCHAKOWSKY and Mr. GILLMOR.  
 H.R. 279: Mr. GINGREY and Mr. PAUL.  
 H.R. 297: Ms. SCHAKOWSKY.  
 H.R. 303: Mr. ROGERS of Kentucky and Ms. SCHWARTZ.  
 H.R. 402: Mr. GENE GREEN of Texas.  
 H.R. 403: Mr. WALZ of Minnesota.  
 H.R. 477: Ms. SUTTON, Mr. ROSS, Mr. FOSSELLA, Mr. McDERMOTT, and Mr. HALL of Texas.  
 H.R. 488: Mr. JOHNSON of Georgia and Ms. JACKSON-LEE of Texas.  
 H.R. 493: Mr. DOYLE, Mr. BISHOP of New York, Mr. SCOTT of Virginia, and Mr. MARKEY.  
 H.R. 502: Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. SERRANO, and Mr. SIRE.  
 H.R. 508: Mr. OBERSTAR.  
 H.R. 511: Mr. FORBES.  
 H.R. 529: Mr. MICHAUD.  
 H.R. 530: Mr. DELAHUNT, Mr. CAPUANO, Mr. PETERSON of Minnesota, Mr. HARE, and Mrs. CAPITO.  
 H.R. 535: Mr. THOMPSON of Mississippi, Mr. MCGOVERN, and Mrs. MALONEY of New York.  
 H.R. 539: Mr. HOLDEN, Mr. SOUDER, Ms. SCHAKOWSKY, Ms. NORTON, Mr. CARNEY, Mr. BERMAN, and Mr. GEORGE MILLER of California.  
 H.R. 553: Mr. GILLMOR and Mr. KNOLLENBERG.  
 H.R. 556: Mrs. CAPITO.  
 H.R. 561: Mr. LIPINSKI.  
 H.R. 563: Mrs. CAPITO.  
 H.R. 566: Mr. BRADY of Pennsylvania, Mr. DAVIS of Alabama, and Mr. FILNER.  
 H.R. 579: Mr. CLAY and Mr. WALZ of Minnesota.  
 H.R. 617: Mr. LINCOLN DIAZ-BALART of Florida.  
 H.R. 621: Mr. LEWIS of Georgia, Mr. GOHMEYER, and Mr. MARSHALL.  
 H.R. 633: Mrs. BOYDA of Kansas.  
 H.R. 642: Ms. CARSON and Mr. PAYNE.  
 H.R. 643: Mr. MOORE of Kansas.  
 H.R. 645: Mr. OBERSTAR.  
 H.R. 659: Mr. TOM DAVIS of Virginia.  
 H.R. 670: Mrs. MALONEY of New York.  
 H.R. 676: Mr. DELAHUNT, Ms. KAPTUR, and Ms. SOLIS.  
 H.R. 677: Mrs. MCCARTHY of New York, Mr. HINOJOSA, and Mr. JOHNSON of Georgia.  
 H.R. 695: Ms. JACKSON-LEE of Texas and Mr. EMANUEL.  
 H.R. 699: Mr. DOOLITTLE, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mr. BARTLETT of Maryland, Mr. HAYES, Mr. SIMPSON, Mr. McCAUL of Texas, Mr. SHIMKUS, Mrs. CUBIN, Mr. HALL of Texas, and Mr. EHLERS.  
 H.R. 710: Mr. SESSIONS, Mr. SHIMKUS, Mr. SIMPSON, Mr. WILSON of South Carolina, Mr.

FERGUSON, Mr. UPTON, Mr. WHITFIELD, Mr. ALLEN, Mr. PICKERING, Mr. GINGREY, Mrs. MYRICK, Mrs. CUBIN, Mr. JOHNSON of Georgia, Mr. PITTS, and Mr. PAYNE.  
 H.R. 715: Mr. COHEN, Mr. KIND, Ms. CARSON, Ms. SUTTON, and Mr. JOHNSON of Georgia.  
 H.R. 722: Ms. SHEA-PORTER.  
 H.R. 723: Mr. HOEKSTRA and Mr. EHLERS.  
 H.R. 734: Mr. MCKEON, Ms. WOOLSEY, Mr. BURGESS, Mr. SHIMKUS, and Mr. GONZALEZ.  
 H.R. 741: Mr. CUMMINGS, Mr. THOMPSON of California, and Mr. WYNN.  
 H.R. 743: Mrs. MUSGRAVE and Mr. BISHOP of Georgia.  
 H.R. 746: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, and Mr. FATTAH.  
 H.R. 759: Mr. COHEN, Mr. NADLER, and Mr. WOLF.  
 H.R. 760: Mr. GUTIERREZ, Mr. LANTOS, Mr. GEORGE MILLER of California, and Ms. BORDALLO.  
 H.R. 787: Mr. FILNER.  
 H.R. 797: Mr. DOYLE, Mr. DAVIS of Alabama, Mr. HIGGINS, and Mr. CUMMINGS.  
 H.R. 800: Mr. CUELLAR.  
 H.R. 811: Mr. RANGEL, Ms. VELÁZQUEZ, Mr. FARR, Mr. MEEHAN, Mr. LIPINSKI, and Mr. WAMP.  
 H.R. 819: Ms. CASTOR, Mr. GENE GREEN of Texas, Mr. COSTA, Ms. VELÁZQUEZ, Mr. HASTINGS of Florida, Mr. MARKEY, and Mr. DOGGETT.  
 H.R. 821: Mr. CONYERS, Mr. PAYNE, Ms. CARSON, Mr. DAVIS of Illinois, Mr. FARR, Mr. KIRK, Mr. SHAYS, and Mr. GENE GREEN of Texas.  
 H.R. 822: Mr. CONYERS, Mr. WYNN, Mr. COHEN, Ms. CASTOR, Mr. BACA, Mr. AL GREEN of Texas, and Mr. JOHNSON of Georgia.  
 H.R. 855: Mr. FORBES and Mr. LEWIS of Kentucky.  
 H.R. 866: Mr. LINDER, Mr. SMITH of Texas, Mr. GARY G. MILLER of California, Mr. BURGESS, and Mr. McCAUL of Texas.  
 H.R. 868: Mr. POMEROY and Mr. SESTAK.  
 H.R. 871: Mrs. LOWEY, Mr. LEWIS of Georgia, and Mr. ROTHMAN.  
 H.R. 873: Ms. SCHAKOWSKY.  
 H.R. 896: Mr. PETRI and Mr. KIND.  
 H.R. 897: Mr. WALZ of Minnesota and Mr. SPRATT.  
 H.R. 898: Mr. WAMP, Ms. HARMAN, Mr. THOMPSON of California, Mrs. CAPPS, Mr. FATTAH, Mr. BOREN, Mr. NADLER, Mr. WEXLER, Mr. SPRATT, Mr. CHANDLER, Mr. ANDREWS, Mr. HIGGINS, Mr. BISHOP of New York, Mr. BARROW, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. CUELLAR, Mr. LINCOLN DAVIS of Tennessee, Mr. EDWARDS, Ms. HERSETH, Mr. HOLDEN, Ms. HOOLEY, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. KANJORSKI, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Ms. MATSUI, Mr. MORAN of Virginia, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. SLAUGHTER, Mr. UDALL of Colorado, and Mr. WYNN.  
 H.R. 923: Mr. KENNEDY, Mrs. MALONEY of New York, Ms. SLAUGHTER, and Ms. JACKSON-LEE of Texas.  
 H.R. 933: Mr. SOUDER.  
 H.R. 971: Mr. SHAYS and Mr. GRIJALVA.  
 H.R. 976: Mr. STARK, Mr. LEVIN, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL

of Massachusetts, Mr. McNULTY, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. SPRATT, Ms. VELÁZQUEZ, Ms. BEAN, Mr. HILL, Mr. SHULER, Mr. CRAMER, Mr. MELANCON, Mr. BOSWELL, Mr. SALAZAR, Mr. LINCOLN DAVIS of Tennessee, Mr. BARROW, Mr. MATHESON, Mr. MICHAUD, Mr. ELLSWORTH, Mr. MOORE of Kansas, Mr. MARSHALL, Mr. DONNELLY, Mr. BOYD of Florida, Mr. CARDOZA, Mr. MAHONEY of Florida, Mr. ARCURI, Ms. GIFFORDS, Mr. ROSS, Ms. HERSETH, Mr. COSTA, Mrs. GILLIBRAND, Mr. BISHOP of Georgia, and Mr. BACA.

H.J. Res. 22: Mr. KUHL of New York.

H. Con. Res. 39: Mr. NADLER, Mrs. CAPPS, Ms. DELAURO, Mr. MCGOVERN, Ms. SCHWARTZ, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. MATSUI, Mr. GRIJALVA, and Ms. SOLIS.

H. Con. Res. 44: Mr. YOUNG of Alaska, Ms. WATSON, Mr. BOSWELL, Mr. CARNAHAN, Mr. MEEKS of New York, Ms. HARMAN, Mr. BECERRA, Mrs. CHRISTENSEN, and Mr. ISSA.

H. Con. Res. 45: Mr. GERLACH and Mr. SMITH of New Jersey.

H. Con. Res. 50: Mr. BURTON of Indiana, Mr. ROGERS of Kentucky, Mr. SMITH of New Jersey, and Mrs. SCHMIDT.

H. Con. Res. 55: Mr. PALLONE.

H. Res. 53: Mr. TOWNS and Ms. WATERS.

H. Res. 64: Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. ANDREWS, Mr. WEXLER, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. WILSON of South Carolina, Ms. SCHAKOWSKY, Mr. PENCE, and Mrs. BIGBERT.

H. Res. 67: Ms. NORTON, Mr. HALL of New York, and Mr. HOEKSTRA.

H. Res. 76: Mr. RANGEL and Mr. FARR.

H. Res. 87: Mr. HENSARLING.

H. Res. 88: Mr. MICA.

H. Res. 101: Mr. PAYNE, Mr. NADLER, Mr. WATT, and Mr. JOHNSON of Georgia.

H. Res. 107: Mr. KLEIN of Florida, Mr. LOBIONDO, Mr. CANTOR, Mr. CARNAHAN, Ms. SCHAKOWSKY, Mr. GERLACH, Mrs. MYRICK, and Ms. BERKLEY.

H. Res. 118: Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BRADY of Pennsylvania, Mr. PAYNE, Ms. KILPATRICK, Mr. CLAY, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Ms. CARSON, Mr. RANGEL, Ms. CORRINE BROWN of Florida, and Ms. WATSON.

H. Res. 122: Mr. FALEOMAVAEGA.

H. Res. 126: Ms. CARSON and Ms. SLAUGHTER.

H. Res. 128: Ms. NORTON, Mr. JOHNSON of Georgia, and Ms. WOOLSEY.

H. Res. 134: Mr. RUPPERSBERGER, Mr. VAN HOLLEN, Mrs. TAUSCHER, Mr. PASCRELL, Ms. NORTON, and Ms. CLARKE.

H. Res. 137: Mr. McNULTY and Ms. SCHAKOWSKY.

H. Res. 147: Mr. SAM JOHNSON of Texas, Mr. POE, Mrs. MUSGRAVE, and Mr. WESTMORELAND.



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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

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WASHINGTON, MONDAY, FEBRUARY 12, 2007

No. 26

## Senate

The Senate met at 1 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, sometimes we reach the limits of human ingenuity. Our knowledge seems insufficient for life's complexity, and our skills fail us in the storm.

Supply the needs of our Senators today so that no difficulty will overwhelm them. Be in their heads and in their thinking. Be in their eyes and in their looking. Be in their mouth and in their speaking. Be in their hearts and in their understanding. Fill them with Your truth and empower them to face the multitudes of pressing issues unafraid.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, today, following whatever time the leaders utilize, the Senate will be in morning business, with Senators permitted to speak for up to 10 minutes each. Last Thursday, we began consideration of the continuing resolution. I then filed cloture, and that cloture vote will occur tomorrow morning, which is Tuesday.

As Members are aware, the current funding resolution expires at midnight on Thursday, February 15. We have to complete action on this matter so it can be signed by the President. This is important. Members have until 2:30 p.m. today to file any first-degree amendments to the resolution. As I previously announced, there will be no rollcall votes today.

### THE ECONOMIC FUTURE OF AMERICA

Mr. REID. Mr. President, today I wish to talk about the economic future of our country.

The economic future of our country is bleak. During the last 3 years of the Clinton administration, this Federal Government was spending less money than it was taking in. We actually retired the national debt by half a trillion dollars. Since President Clinton left office, we have had the highest deficits in the history of our country. The Bush budgets have been record-breakers but in the wrong way. We are \$3 trillion in new debt in the last 6 years. We have doubled the amount of

money we owe China and Japan, and we owe money—to Saudi Arabia, Singapore, on and on—to other countries. We even had to borrow money from Mexico in recent years.

Senator CONRAD has indicated—and I have spent hours with him. I have spent hours with him and JUDD GREGG talking about what we can do for the long-term economic future of this country. I had hopes and anticipation, but then these hopes were washed away. As Vice President CHENEY says, we are doing nothing to change revenues in any way. It is a one-way street, this administration—all for the rich, nothing for the poor, and in between the poor and the rich, the middle class is being squeezed. The rich are getting richer, far richer, and the poor are getting poorer.

I am disappointed—and that is an understatement—in the budget we received recently from the President. It is like Iraq: He refuses to reverse course. The budget is the same, more of the same.

Let's see why we should be concerned about this budget. It wasn't long ago that Vice President CHENEY insisted that deficits don't matter. I was speaking today to a publisher of a large newspaper—owns newspapers all over the country—and he and I lamented that we always thought Republicans were for fiscal conservatism, fiscal integrity. That is gone. No one believes anymore that they care—red ink as far as you can see. And, as Vice President CHENEY insisted, deficits don't matter. But he is wrong. I know he and many on the other side of the aisle obviously believe deficits don't matter. The Republicans obviously believe this. Senate Republicans and House Republicans may believe that but a lot fewer now than before November 6 because Republicans all over the country believe deficits do matter. They do believe in fiscal integrity, that you pay your bills, you don't spend money you don't have.

We Democrats agree with mainstream Republicans across the country.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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We believe in fiscal responsibility because history proves that it works, and we are convinced that massive deficits allowed to continue will undermine growth and weaken America's future. It is no different from your own personal bank accounts, how you take care of your home, your family. Sure, there may come times when you have to borrow money, but you need to pay it back. You can't have deficit-spending as far as the eye can see. How has the Republican Party gotten off on allowing these huge deficits to keep building?

The administration's budget it just gave us shows they are still trapped in an outdated and discredited ideology. Rather than accepting the need for discipline, President Bush's budget continues to reject the strong pay-as-you-go rules. What does this mean, pay-as-you-go? This is the rule we had in the Clinton years. What it means is that if you are going to lower taxes, you have to figure out a way to pay for it. If you are going to have a new spending program, you have to have a way to pay for it. You just can't borrow money, which is what has happened under President Bush. Pay-as-you-go rules during the Clinton years promoted fiscal responsibility.

Rather than reducing our debt, as the Democrats did under President Clinton, the Bush budget calls for an additional \$2.5 trillion in new borrowing, causing our debt to balloon to almost \$12 trillion. I am not making up these numbers. They come directly from the President's budget. The real numbers are even worse than those you find in the President's budget, which leads me to my second major concern about the President's budget—its refusal to be honest with the American people.

Let's begin with the cost of the Iraq war. While the President continues to resist bipartisan efforts to reverse the political and military course in Iraq, his own budget takes a very different approach. In fact, the budget contains \$50 billion only for the war in 2009 and nothing thereafter. Does that mean the administration really wants to pull the troops out? Of course not. They want to have it both ways—they want the war, but they don't want to pay for it. And their deceptive budget isn't playing it straight. It is not being honest.

The war costs, unfortunately, are only one example of the budgets deception. Their budget also uses rosy assumptions about expected revenues. In 2012 alone, the President assumes that revenue will be \$155 billion more than projected by the nonpartisan Congressional Budget Office. So instead of a rosy surplus, Bush's budget would run a huge deficit.

Beyond rosy assumptions, the budget also claims to reach balance by assuming deep future cuts in domestic priorities such as education. But how? Few details. Exactly which programs will be cut? No details. By how much? Not for sure. Few details. And who will be affected? The budget doesn't say. We know some.

Perhaps even more important than its debt and deception, the Bush budget is simply disconnected from the needs of middle-class America. Too many families today are struggling with stagnating wages and rising prices for everything from health care to the groceries we buy. That is certainly true in Nevada. But instead of developing new ways to meet these needs, the budget offers few, if any, new ideas that would help. In fact, many of its cuts would make matters worse. For example, the budget underfunds the State Children's Health Insurance Program which would jeopardize existing health coverage and leave millions of children uninsured. Its ill-conceived health proposal would threaten existing private health coverage and actually drive up premiums, the experts say. The budget cuts \$300 billion from Medicare and Medicaid and thus increases health care costs for many seniors. The budget cuts education by \$2 billion, and it even cuts programs that are important to veterans and police officers.

These cuts would have a major impact on many of my constituents and many of the Presiding Officer's constituents. Every State in the Union would feel the impact. There are already over 100,000 children in Nevada without health insurance. The Bush budget would increase that number. At the same time, its deep cuts to Medicare and Medicaid threaten about 300,000 Nevadans who rely on Medicare and 170,000 Nevadans who depend on Medicaid.

Unfortunately, at the same time the administration is cutting programs important to the middle class and the poor, they are insisting on spending hundreds of billions of dollars for handouts for multimillionaires. I know the administration generally believes that the very wealthy are the engine of economic growth. Democrats disagree. We believe the real engine of growth is a strong middle class, and we think it is wrong to burden middle-class taxpayers with the cost of massive spending for those at the top of the economic pyramid.

Consider the President's tax breaks for people with incomes over \$1 million. They are huge—more than \$150,000 a year if you make more than \$1 million. In 2008 alone, that cost will be \$50 billion. Who gets the \$50 billion? The millionaires, Mr. President, the millionaires. Think about that—\$50 billion. Where does it go? To the millionaires. At the same time he wants to cut education by \$2 billion, the President wants to spend \$50 billion on tax breaks for those with incomes over \$1 million. That is not just fiscally irresponsible and it is not just bad economic policy, it is wrong. It is just plain wrong.

Unfortunately, tax breaks for multimillionaires are only one example of the many special interest handouts in this budget we just got.

It contains wasteful royalties and tax breaks for oil and gas companies. This

industry is making more money this year than ever before, last year it was more money than ever before, and the year before it was more money than ever before.

It continues Medicare overpayments to HMOs and other managed care plans.

This budget grants drilling rights to Alaskan wilderness.

It continues tax breaks for multinational corporations that outsource jobs overseas, and remarkably it continues to call for the privatization of Social Security with the deep benefit cuts and massive debt.

These discredited and outdated policies will not promote economic growth, they will not strengthen the middle class or make our country a better place. On the contrary, they will weaken our Nation and make middle-class life harder.

We must do better. In coming weeks, led by our remarkable Budget chairman, Senator CONRAD, we will work together with our colleagues to produce a better budget; a fiscally responsible budget based on the philosophy that, yes, deficits do matter; a budget that returns the tough pay-as-you-go discipline of the 1990s and balances the budget using real numbers, not pretend numbers; a budget that puts the middle class first and starts to address the real problems facing working families, such as exploding health care costs and rising tuition; a budget that reflects the best of our core values, American values, and lays the groundwork for a strong and prosperous future.

Achieving such a budget won't be easy. Members on both sides of the aisle would have to work together and make some tough choices and compromises, and the President must be willing to rethink obsolete approaches and help move his party and our Nation in another direction.

But speaking for Democrats, while we know the challenge is great, we are going to try. It is my hope that in the end we can finally move toward a new fiscal policy that combines old-fashioned values of fiscal discipline with the new and forward-looking approach that puts the middle class first.

I ask my time not interfere with the time that has been set aside. Would the Presiding Officer remind me, do we have a certain period of time for morning business today?

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a transaction for morning business with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there



will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I think the Senator from North Dakota wanted to be recognized.

Mr. DORGAN. I ask unanimous consent that following the presentation of my colleague Senator GRASSLEY of Iowa, I be recognized for a period of 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, lately we have heard a lot about the alternative minimum tax and the difficulties involved in fixing it. Right now is tax time so a lot of people are going through the process of determining whether they owe the alternative minimum tax. I will visit with taxpayers about that. At another time I will go into greater detail regarding some of these problems and what we need to do to fix the alternative minimum tax.

Right now I want to explain how we got into this situation. Of course, as with anything, it would be foolish to go forward on this issue without looking back to see how we got to where we are now, after 40 years of the alternative minimum tax. The alternative minimum tax, then, obviously has been with us for that long a period of time.

The individual minimum tax was the original name of the alternative minimum tax and was enacted first in 1969. This chart I am displaying highlights a few of the important and most recent milestones in the evolution of the AMT. I will not go into each of those milestones in detail, but by looking at the chart you can see the AMT has not been a constant. There has been an alternative minimum tax, but it has had some changes in the last 38 years.

First, the history of the AMT. In the 1960s, Congress discovered only 155 taxpayers—all people with incomes greater than \$200,000 a year—were not paying any taxes whatever. These taxpayers were able to use legitimate deductions and exemptions to eliminate their entire tax liabilities—all legally. To emphasize, what they were doing was not illegal, but Congress could not justify this at that time and it determined at that time that wealthy Americans ought to pay “some” amount of tax to the Federal Government regardless of the amount of legal ways of not paying tax.

When Congress decided to do this, it was calculated only 1 in 500,000 taxpayers would ever be hit by the alternative minimum tax. According to the Bureau of Census, we had at that time about 203 million people compared to 300 million today. Making the assumption that every single American was a taxpayer, the individual minimum tax was originally calculated to affect only

406 people. We get that by dividing 203 million by 500,000. In 1969 Congress was motivated by the situations of the 155 taxpayers to enact a tax calculated to impact about 406 people.

Clearly, the situation has changed dramatically in the last 30 years because this year the AMT is going to hit several million taxpayers. Although not its only flaw, the most significant defect of the alternative minimum tax is that it was not indexed for inflation. If it had been indexed for inflation, we would not be dealing with this tax problem and millions of people this year would not have to figure out if they owed the alternative minimum tax.

The failure to index the exemptions and the rate brackets, the parameters of the AMT, is a bipartisan problem. Perhaps a most notable opportunity to index the AMT for inflation was the passage of the Tax Reform Act in 1986. That law was passed by a Democratic House, a Republican Senate, and signed by a Republican President. It is worth pointing out at that time, because of the bipartisan cooperation, indexing was a relatively new concept, and even though they had a bipartisan opportunity, they did not take advantage of it. One can argue that indexing of the AMT should have received more attention, but the fact is it did not then or any time since then, so we have the problems I am discussing today.

Today it is impossible for anyone to use the excuse that indexing is a new concept. Maybe it could be used in 1986. In a regular tax system, the personal exemptions, the standard deduction, the rate brackets are indexed for inflation. Government payments such as Social Security benefits are indexed for inflation and people would be hard pressed to go into most schools and find a student who does not at least know that inflation was something to be avoided or at least to be compensated for through indexing.

Despite what must be a nearly universal awareness of inflation, though, the alternative minimum tax, the Internal Revenue Code equivalent of a time capsule, remains the same year after year as the world changes around it. It must be obvious to everyone that the value of a buck has changed a lot in the last 38 years, and all here are experienced enough to have witnessed that change.

More than anything else, the problem posed by the alternative minimum tax exists because of a failure to index that portion of the Tax Code for inflation. Although \$200,000 was an incredible amount of money in 1969, the situation is different today. I am not saying that \$200,000 is not a lot of money—because it is, obviously, to most middle-income people a lot of money—but \$200,000 is certainly going to buy less today than it did in 1969.

I also emphasize that I am not the only one saying the failure to index the alternative minimum tax for inflation is what is causing it to consume more

and more of the middle-income taxpayers. On May 23, 2005, the Subcommittee on Taxation and IRS Oversight, the Committee on Finance, held a hearing entitled “Blowing the Cover on the Stealth Tax: Exposing the Individual AMT.” At that hearing, the national taxpayers advocate Nina Olson said:

[t]he absence of an AMT indexing provision is largely responsible for increasing the numbers of middle-class taxpayers who are subject to the AMT regime.

Robert Carroll, who is now Deputy Assistant Treasury Secretary for tax analysis and then was in the acting position, same title, testified:

[t]he major reason the AMT has become such a growing problem is that, unlike the regular tax, the parallel tax system is not indexed for inflation.

We also had at that hearing Douglas Holtz-Eakin, who at that time was director of the nonpartisan Congressional Budget Office:

If the 2005 [increased AMT] exemptions were made permanent and, along with other AMT parameters, indexed for inflation after 2006, most of the increase over the coming decade in the number of taxpayers with AMT liability would disappear.

Clearly, there is a consensus among knowledgeable people that the failure to index the AMT for inflation has been and continues to be a serious problem and, in fact, for the most part, would be a solution to the problem if you want to maintain the AMT. If you want to argue for doing away with the AMT, that is another ball game.

What makes the failure to index the AMT in 1986 and other years more disastrous is repeated failure to deal with the problem in additional legislation that has actually compounded the problem posed by the alternative minimum tax.

Before I continue, I will catalog the evolution of the alternative minimum tax rate for a moment. The 1969 bill gave birth to the alternative minimum tax which established a minimum income tax rate of 10 percent in excess of the exemption of \$30,000. In 1976, the rate was increased to 15 percent. In 1978, graduated rates of 10, 20, and 25 were introduced. In 1982, the alternative minimum tax rate was set at a flat rate of 20 percent and was increased to 21 percent in 1986. This is not a complete list of legislative changes and fixes, and I am sure no one wants me to recite a full list but, very importantly, I want to make sure that everyone realizes Congress has a long history of trying to fiddle with the AMT in various ways but without doing anything permanent to it. Hence, we are here again this year considering what to do.

Now, a great detail on recent bills impacting the AMT. In 1990, the Omnibus Budget Reconciliation Act is a result of the famous Andrews Air Force summit between President Bush and Democratic leaders on Capitol Hill. Probably Republicans were involved, as well. That legislation raised the alternative minimum tax rate from 21 percent to 24 percent and did not adjust

the exemption levels. That means every person who had been hit by the AMT would continue to be hit by the AMT but be hit harder.

Then we had the same title, but in 1993 we had the Omnibus Budget Reconciliation Act. The exemption level was increased to \$33,750 for individuals and \$45,000 for joint returns, but that was accompanied by yet an additional rate increase. In 1993, the tax increase passed this Senate with just Democratic votes for it. No Republican voted for it.

Once again, graduated rates were introduced, except this time they were 26 percent and 28 percent. By tinkering with the rate and exemption levels of the alternative minimum tax, these bills were only doing what Congress has been doing on a bipartisan basis for almost 40 years, which is to undertake a wholly inadequate approach to a problem that keeps getting bigger and bigger and bigger.

Aside from this futile tinkering that has been done every few years, Congress has, in other circumstances, completely ignored the impact of the tax legislation on taxpayers caught by the alternative minimum tax. In the 1990s, a series of tax credits, such as the child tax credit and lifetime learning credit, were adopted without any regard to the alternative minimum tax. The alternative minimum tax limited the use of nonrefundable credits, and that did not change. In other words, because of the AMT, we did not accomplish the good we wanted to with those credits for lower middle-income and lower income people. Congress quickly realized the ridiculousness of this situation and waived the alternative minimum tax disallowance of nonrefundable personal credits, but it only did it through the year 1998.

In 1999, the issue again had to be dealt with. The Congress passed the Taxpayer Refund and Relief Act of 1999. In the Senate, only Republicans voted for that bill. That bill included a provision to do what I would advocate we ought to do right now: repeal the alternative minimum tax. If President Clinton had not vetoed that bill, we would not be here today. But we are here today with a worse problem.

Later, in 1999, an extenders bill, including the fix, to fix it good through 2001, was enacted to hold the AMT back for a little longer; in other words, not hitting more middle-income people.

In 2001, we departed from these temporary piecemeal solutions a little bit—at least a little bit—for 4 years with the Economic Growth and Tax Relief Reconciliation Act of 2001. That 2001 bill permanently allows the child tax credit, the adoption tax credit, and the individual retirement account contribution credit to be claimed against a taxpayer's alternative minimum tax. While this certainly was not a complete solution, it was a step in the right direction.

More importantly, the 2001 bill was a bipartisan effort to stop the further in-

trusion of the alternative minimum tax into the middle class. The package Senator BAUCUS and I put together that year effectively prevented inflation from pulling anybody else into the alternative minimum tax through the end of 2005.

Mr. President, I ask unanimous consent for 3 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Our friends in the House originally wanted to enact a hold harmless only through the end of 2001, while Senator BAUCUS and I were trying to do it through 2005. We got the final bill the way Senator BAUCUS and I wanted it. So it was not a problem then until the year 2005.

Since the 2001 tax relief bill, the Finance Committee has produced bipartisan packages to continue to increase exemption amounts to keep taxpayers ahead of inflation, with the most recent being the Tax Increase Prevention and Reconciliation Act of 2005, which increased the AMT exemption to \$62,550 for joint returns and \$42,500 for individuals through the end of 2006.

These packages put together since 2001 are unique in that they are the first sustained attempt undertaken by Congress to stem the spread of the AMT through inflation and hitting more middle-income taxpayers. Admittedly, these are all short-term fixes, but they illustrate a comprehension of the AMT inflation problem and what needs to be done to solve it.

So this leads us to the present day and the situation we currently face. In 2004, the most recent year for which the IRS has complete tax data, more than 3 million families and individuals were hit by the AMT. And those figures for each State are shown on this chart behind me. You can see a breakdown by State of families and individuals who paid the alternative minimum tax, even with our hold-harmless provisions in place.

This does not even begin to hint at what will happen if we do not continue to protect taxpayers from the alternative minimum tax. Barring an extension in the hold harmless contained in the 2006 tax bill, AMT exemptions will return to their pre-2001 levels. At the end of 2006, provisions allowing nonrefundable personal tax credits to offset AMT tax liability expired. If further action is not taken, it is estimated that the AMT could claim 35 million families and individuals by the end of this decade. That is just 3 years away. Think of it: a tax originally conceived to counter the actions of 155 taxpayers in 1969 could hit 35 million filers by the year 2010—a well-intentioned idea 40 years later with unintended consequences. Some analyses show that in the next decade, it may be less costly to repeal the regular income tax than the alternative minimum tax.

Aside from considering the increased financial burden the AMT puts on families, we also should consider the op-

portunity cost. Because the average taxpayer spends about 63 hours annually complying with the requirements of the alternative minimum tax, that is an awful lot of time that could be more productively used elsewhere.

As I have illustrated, the AMT is a problem that has been developing for a while. Thirty-eight years down the road are we now. On numerous occasions, Congress has made adjustments to the exemptions and rates, though not as part of a sustained effort to keep the alternative minimum tax from further absorbing our Nation's middle class.

Despite these temporary measures, the AMT is still a very real threat to millions of middle-income taxpayers who were never supposed to be subjected to a minimum tax. That the alternative minimum tax has grown grossly beyond its original purpose—which was to ensure the wealthy were not exempt from an income tax—is indisputable and that the AMT is inherently flawed would seem to be common sense.

Despite a widespread sense that something needs to be done, there is still disagreement on what needs to be done. Over the course of a few more remarks on this floor, in days to come, I will address some of those things we ought to do. But this is a case where well-intended legislation not being paid attention to has turned out to be a major tax problem in this country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized under the consent for 20 minutes.

#### CONTINUING APPROPRIATIONS

Mr. DORGAN. Mr. President, I rise to talk about two issues today. First, I will talk about the continuing resolution that will be on the floor of the Senate that we will likely finish this week.

I know there is some consternation about the fact that a continuing resolution is being done, but there was no choice. We were left with an awful mess. This Congress was left with a mess where 10 appropriations bills were completed by the Senate Appropriations Committee but never brought to the floor of the Senate. They should have been done by October 1, signed by the President. We are now months into the new fiscal year, and those appropriations bills, done by the previous majority here in Congress, were not completed, and so we are left with a mess.

We have put together, as best we can, a continuing resolution. We have made some adjustments to that continuing resolution. Earmarks are gone. These are adjustments to avoid some catastrophic things that would have happened without adjustments.

I wish to mention with respect to the energy and water chapter of that resolution that we have done a number of

things to try to preserve some funding for renewable energy. We have an energy issue that is very compelling in this country. We need to stimulate more renewable energy, so we are trying to keep the accounts which do that intact. We have tried to find the funding to preserve the Office of Science, which is the cutting-edge science that keeps us competitive in the world. That office would have had to lay off people had we not made some adjustments there. In the energy supply and conservation account, which is ongoing and very important, we have made some adjustments.

The fact is, we have tried to find a way to address the mess we were left. We are doing it the best way we can. I believe the best approach is to pass this continuing resolution. It is true there are no so-called earmarks or what is, in effect, legislative-directed spending. But it is also the case that adjustments have been made in a number of areas, including the energy and water accounts, that will try to remedy some of the otherwise very significant changes, in some cases catastrophic changes to the issues we care a lot about—energy independence, energy conservation, renewable energy, science, and so many other areas.

I am pleased to support this continuing resolution. I wish we were not doing it this way. If I had my druthers, we would have passed the appropriations bills last year on time. That did not happen. So we are now faced with this mess of fixing a mess that was created by last year's majority. We do not have a choice. We have to do that. The Government would shut down if the funding were not available for the agencies, so we have a responsibility, and we will meet that responsibility.

#### ACCOUNTABILITY IN GOVERNMENT CONTRACTING

Mr. DORGAN. Mr. President, I also rise to talk about a piece of legislation dealing with contracting. The Federal Government is the largest contractor in the world. The U.S. Federal Government contracts for a lot of things. I am going to be introducing a piece of legislation that is entitled the Honest Leadership and Accountability in Contracting Act. There are some 23 Senators who have joined me as cosponsors on that bill, and I will return to the floor to speak about this later in the week. But I wish to talk a little today about what this means and why we are introducing it.

I held 10 oversight hearings in the Democratic policy committee, as chairman of that committee, on the issue of contracting abuses in Iraq. I held two oversight hearings on the issue of contracting abuses with respect to the response to Hurricane Katrina. We have put together, as a result of the abuses we have seen with this contracting, a piece of legislation which will do the following: It will punish those who are war profiteers. And

there are some. It will crack down on contract cheaters. No more of this slap on the wrist, pat on the back, have another contract. It will force real contract competition for those who want to do contract work for the Federal Government. And it will end cronyism in key Government positions—having unqualified political appointees put in positions that require people who know what they are doing.

Let me talk about some of the things we have found. I do this knowing, last week, there were some oversight hearings on the House side chaired by Congressman WAXMAN. I commend him. There has been a dearth of oversight hearings, almost none in the last couple of years—I guess the last 5 or 6 years, actually—because a majority of the same party as the President do not want to hold hearings that embarrass anyone. So there have been very few oversight hearings. But the hearing held this past week in the House that caught my eye is one that followed a hearing I held in the Senate with the policy committee. They talked about the fact that \$12 billion in cash—most of it in stacks of one-hundred-dollar bills—had been sent to Iraq; 363 tons of U.S. cash currency flown in on wooden pallets on C-130 airplanes. That would be, by the way, 19 planeloads of one-hundred-dollar bills; 363 tons.

Nearly half of that cash was sent in the final 6 weeks before control of the Iraqi funds were turned over to the Iraqi Government. These were Iraqi oil funds, funds with frozen Iraqi assets here in the United States. The last shipment of \$2.4 billion was the largest shipment. It was the largest shipment ever in the Federal Reserve Board's history. And that was 1 week before the government was turned over to the Government of Iraq.

Cash payments were made from the back of a pickup truck. One official was given \$6.75 million in cash and told to spend it in 1 week, before the interim Iraqi Government took control of the funds.

I had a person testify at my hearing who said it was similar to the Wild West. Our refrain was bring a bag because we pay in cash. That is the way we do business.

In fact, I have a photograph of a fellow who testified at the hearing I held. These are one-hundred-dollar bills wrapped in Saran Wrap in brick form. This was in a building in Iraq. This is the fellow who testified. He said people used to play catch with them like football. He said it was the Wild West. Bring a bag, we pay in cash.

We know a substantial amount of cash disappeared—some American taxpayer money, some belonging to the people of Iraq—with almost no accountability.

I wish to talk about accountability. If there was a lack of accountability—and there certainly was, with respect to what happened in Iraq and also here at home with Katrina—what will be the accountability going forward? How

do we ensure accountability? How do we ensure that someone is in charge going forward?

Let me talk about Halliburton and Kellogg, Brown and Root, its subsidiary. I know the minute you mention Halliburton, someone says you are criticizing the Vice President. No. He used to be president of that company. He has been gone a long while. This has been Halliburton that gets big contracts from the Defense Department and then doesn't perform.

Bunnatine Greenhouse is a woman who rose to become the highest ranking civilian official in the Corps of Engineers in charge of all the contracting, the highest ranking civilian official who always got great reviews on her performance evaluations, until the point when the Pentagon decided to award a massive no-bid, sole-source contract to Halliburton's subsidiary called RIO, Restore Iraqi Oil. She protested that this was done in violation of proper contracting procedures. She was appalled when Halliburton was found by auditors to have overcharged nearly double for fuel purchases. And then the Defense Department, the folks in charge of that, instead of being concerned about it, rushed to provide the company with a waiver. This waiver was provided without the approval of the contracting officer who was responsible, Ms. Greenhouse. She was kept in the dark about that decision. She learned about the waiver when she read it in the newspaper.

When she did speak up, she was bypassed, ignored, and ultimately forced to resign or face demotion. Here is what she has said publicly, the highest ranking civilian official in the Corps of Engineers who blew the whistle on the good old boys network for contracts awarded, she felt, improperly:

I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For saying this, this woman was demoted. She lost the job she had for being honest. And she, by all accounts, was a top-notch contracting official. So this 20-year contracting official, responsible for all this, was ignored and then demoted when she was critical of people whom she felt were violating the rules. What happened then to fill her job? The Corps of Engineers decided to replace her with a Pentagon official who had 40 years of Government experience but none of it in Government contracting. At a hearing of the Senate Energy Committee, General Strock admitted the person who replaced Ms. Greenhouse was not certified as an acquisition professional. He stated that Ms. Riley required a waiver in order to apply for her new position. Ms. Riley has now "gone to school" and has been brought up to speed about what she needs to know as a contract official. Sound familiar? It does to me. It is happening all too often.

Let's take a look at what I found in some of the hearings. Yes, it is about

Halliburton because they are the biggest contractor, but it is about other companies as well. An \$85,000 brand new truck abandoned beside the road because they had a flat tire in an area where there were no hostilities at all, but they didn't have the right wrench to fix it; \$85,000 brand new truck abandoned because they had a plugged fuel pump. It didn't matter. With a cost-plus contract, the American taxpayers pick up the tab. A case of Coca-Cola, \$45. Gasoline was delivered by Halliburton for twice the cost that the internal part of the Defense Department said they could have provided it for. Halliburton charged 42,000 meals a day, when they were delivering 14,000 meals, overcharging by 28,000 soldiers a day. They leased SUVs for \$7,500 a month.

Halliburton supplied troops with hand towels and the person who ordered the hand towels was in Kuwait. He came to a hearing I held. He said he was ordered to purchase towels that were nearly three times more expensive than regular towels. Why? Because the company, KBR, wanted their name embroidered on the towels used by the troops. Their attitude was, the American taxpayer pays for it; it doesn't matter, it's cost plus, don't worry about cost.

It is unbelievable when you see what has happened with some of this contracting. We heard from Rory Mayberry, former food production manager. He also was at KBR. He said:

Food items were being brought into the base that were stamped expired or outdated by as much as a year. We were told by KBR food service managers, use the items anyway. The food was fed to the troops. For trucks that were hit by convoy fire and bombings, we were told to go into the trucks, remove the food items, and use them after removing the bullets and any shrapnel from the bad food that was hit. We were told, by the way, to turn the removed bullets over to the managers for souvenirs.

How about water? Contaminated water, more contaminated than raw water taken from the Euphrates River, delivered as non-potable water to our troops to shower, shave, and so on, more contaminated than raw water from the Euphrates River. Halliburton says it never happened. I have an internal Halliburton report that says it did happen, and they nearly missed having a catastrophe of mass sickness or death. I also have an e-mail sent to my by a captain, a young physician serving in Iraq. She said: I read in the newspaper about your hearing. What you alleged is exactly what is happening at our base.

Let me describe a couple of those. This is an internal Halliburton report written by the top water quality manager Wil Granger, May 13, 2005:

No disinfection of non-potable water was occurring [at camp Ar Ramadi] for water designated for showering purposes. This caused an unknown population to be exposed to potentially harmful water for an undetermined amount of time.

It didn't just happen at Ar Ramadi. It happened at every base in Iraq.

The deficiencies of the camp where the event occurred is not exclusive to that camp; meaning that countrywide all camps suffered to some extent for all or some of the same deficiencies noted.

This is from an internal Halliburton report written by the top water quality person at Halliburton. These are contracts we pay for. We pay a company to provide water to the military installations that now exist in Iraq. Who is accountable for having water sent to our troops, non-potable water that is more contaminated than water in the Euphrates River?

CPT Michelle Callahan, who is currently serving in Iraq—at least she was when she sent me an e-mail—found exactly the same cases of bacterial infections among the troops, traced the problem back to contaminated water that KBR was not treating properly. She had one of her officers follow the lines to find out where that water came from and why. So water to the troops, that is a health issue. Food to the troops, that is a health issue.

Two guys show up in Iraq—one's name is Custer, and the other is Battles—with not much experience and no money. But they understand you can make a lot of money in Iraq, American money. So they started a company. Within 2½ years, my understanding is, they have had contracts of over \$100 million. They got into trouble. It has been in the courts. Among other things alleged, they took forklift trucks from the Baghdad airport, moved them to a warehouse, repainted them blue and sold them back to the Coalition Provisional Authority, which was us. This company got a contract for security at the Baghdad airport. Let me show you what the director of security at the airport said about Custer Battles:

Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative and war profiteers. Other than that, they are swell fellows.

Once again, who is accountable for the amount of money we are spending for these kind of contractors?

How about the Iraqi physician, a doctor from Iraq who came to testify at my policy committee hearing. We spent a couple hundred million dollars on the Parsons Corporation to rehabilitate 142 health clinics in Iraq. This Iraqi doctor went to the Iraqi Health Minister and said: I want to see these rehabilitated health clinics. Because he knew the money had all been spent. An American contractor got the money to do it, and it was gone.

He said: I want to see these 142 rehabilitated health clinics for the people of Iraq. The Iraqi Health Minister said: You don't understand. Most of these are imaginary clinics. The money is gone, but apparently the clinics don't exist.

Does that bother anybody? Is there any accountability for that? Seems to me there ought to be accountability for something like that.

I held hearings not just on contracting in Iraq, which I found to be a

cesspool of unbelievable problems, but hearings with respect to contracting to deal with the problems of Hurricane Katrina. I wish to show you a picture of a man named Paul Mullinax. I sat in a grocery store parking lot one Sunday morning talking to Paul on the phone, asking if he would come to testify at a hearing. He wasn't anxious to do it, but he finally did. This is Paul Mullinax. This is his truck, an 18-wheel truck. Let me tell you the story Paul told.

Hurricane Katrina hit. And one of the things that was necessary to be provided to the victims of the hurricane was ice. So Paul was contracted by FEMA to pick up ice. He drove his truck from Florida to New York to pick up a load of ice. Then he was told he should take that ice to Carthage, MO. He went to Carthage with his truck and his refrigerated container full of ice. When he got to Carthage, he was told he should proceed to Maxwell Air Force Base in Montgomery, AL. When he got to Montgomery, he discovered there were over 100 trucks sitting there, refrigerated trucks there with ice. So for the next 12 days, this was Paul's life. There were victims of the hurricane waiting for relief, waiting for the cargo in his truck. For 12 days, he sat in front of this truck waiting. He finally said to them: If you are not going to tell me where to go or let me do this, I am going to go on my own and drop off the ice to some people who need it. They said: You can't do that. He said: I had no idea when I parked the truck I would be there for the next 12 days, my refrigerator unit running the entire time. Each truck cost the American taxpayer \$6 to \$900 a day.

You can see him sitting here with a cooler and a little girl for nearly 2 weeks waiting. Finally, he was told: You should take your ice to Massachusetts. So this man from Florida, who to New York to pick up ice, went to Missouri and then went to Alabama and then waited, then was told to take the truck to Massachusetts. Unbelievable. What was the American taxpayers' role in this, \$15,000. It cost \$15,000 for this incompetence.

Why does all of this happen? It happens because in this case with FEMA, a bunch of cronies were put in place to run the place. Were they qualified people? No. Most of them had political connections. They didn't have any emergency or disaster preparedness experience. That is what happens.

Who is accountable for that? Who ultimately is going to be accountable? How can we restore accountability? I have described a few of the problems. I have described a very few of the problems. The problems are unbelievable. I think it is the most significant waste, fraud, and abuse, perhaps, in the history of this country, billions and billions of dollars with no one accountable. At the hearings last week, the answer was: It is wartime. So we distribute cash from the back of a pickup truck. We say it is the Wild West, bring a bag. We pay in cash.

And it is wartime. I don't understand that. I have tried to find out who was responsible for having a Florida trucker pick up ice from New York to take to the victims of Katrina in the Gulf of Mexico and have the ice dropped off in Massachusetts, and we get stuck with \$15,000, and the victims of the hurricane get nothing. But there is no accountability for anything.

So we will be introducing legislation, with 23 cosponsors later, this week. It is going to punish war profiteers—and, yes, there has been rampant profiteering going on. There will be substantial punishments for war profiteers. This antiprofitteering provision is based on a piece of legislation that Senator LEAHY introduced, and that was included in our contract and reform bill.

Our bill will also restore a Clinton administration rule on suspension and disbarment, which prohibits awarding Federal contracts to companies that exhibited a pattern of failing to comply with the law. That provision, by the way, was done away with by the current administration.

It seems to me it is time to say that you only get one chance, and if you cheat us, no more contracts. This notion of a slap on the wrist and a pat on the back is over. There was a time when exactly the same company had been in Federal court in Alexandria, VA, with allegations of fraud against the American taxpayer against that company; and on the same day, they were signing a new acquisition contract with the Department of Defense. That ought to never happen again.

We ought to crack down on contract cheaters. We ought to force real contract competition. When somebody such as Bunnatine Greenhouse speaks up and says "this is the most blatant abuse in contracting I have seen in my career," that ought not to be a cause for penalty. This woman risked her career and we are still trying to get to the bottom of who is accountable for her demotion. She was given a choice of being fired or demoted because she spoke out against contract fraud and abuse.

We think we need to strengthen whistleblower protection. We think it is important to have full disclosure of contract abuses and to restore the provision that says if there is a pattern of abuse, you don't get to engage in contracting anymore with the Federal Government.

This is very simple. I come from a small town, a town of slightly less than 300 people. There is a very simple code in towns such as that. If you are a business man or woman on Main Street and someone cheats you, you don't do business with them again. That is simple. That is a lesson apparently lost on a behemoth Federal Government.

The contracting provisions we will introduce are common sense, and this Congress ought to adopt them quickly. There will be a substantial number of cosponsors in support of the legislation that is filled with common sense, at

the very time that we have witnessed the most significant waste, fraud, and abuse in this country's history. Accountability? What about accountability for what happened? What about accountability for what is about to happen? We are still spending a lot of money. We will have \$100 billion requested of us and another \$150 billion to replenish accounts, much of it through contracts. We say with this piece of legislation that it is long past the time for this Government to be accountable to the taxpayer and accountable to the citizens of the United States.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEAD START REAUTHORIZATION

Mr. ALEXANDER. Mr. President, later this afternoon, several of us will be introducing legislation to reauthorize Head Start. Senator KENNEDY, Senator ENZI, Senator DODD, and myself will be the cosponsors of the legislation. We have been working on it for a long time, all through the last Congress. We have heard from lots of parents, children, and Head Start operators. I wish to talk about that.

The Head Start program is an enormously popular and successful Federal initiative. It began in the 1960s when Lyndon Johnson was President of the United States. In fact, I have always thought it was a part of the story of the American dream that President Johnson went back to Cotulla, TX, near the Mexican border, where he taught first grade, to announce the Head Start program. It exemplifies one of the great principles of what it means to be an American—that we believe in equal opportunity. For that President of the United States to go back to where he was a first grade teacher reminds us that other children could succeed, as he did, in becoming President.

Today, Head Start has grown to a nearly \$7 billion Federal program. That amount was spent last year. It served 900,000 children. In my State of Tennessee, 20,000 students or so were served. The funding was \$118 million for Tennessee. This is a program that touches a lot of people. It deserves the Senate's attention, and it has had the Senate's attention.

During the last Congress, I made clear, as did several other Senators, that we want to see Head Start serve more children. But first, we wanted to make sure the program is accountable, financially solvent, and meeting the purpose for which it was formed. President Bush, in his message to Congress, said much the same thing 2 years ago. "Great program," he said. "But let's make it more accountable. Let's recognize that now we expect children to

learn more and be able to do more before they arrive at school." The President said we want to get the States more involved, which was a good suggestion because when Head Start was founded, it was almost the only program to help preschool children. Today, while it is a large \$7 billion program, there are \$21 billion more in Federal dollars being spent to help preschool children in one way or the other, and there are a great many State and local programs that are Head Start or preschool programs.

The President's objective, as was ours, was to find a way to make all of these programs work well together. We listened carefully and I believe, as Senators KENNEDY, ENZI, and DODD believe, we have made significant improvements to the bill.

For example, the bill will establish 200 new Centers of Excellence that will serve as model Head Start programs across the country. The Governors will be involved in this. Hopefully, we can learn over the next 5 years from the States how, from these models, we can put together State efforts, local efforts, Federal efforts, and Federal Head Start efforts in a more efficient way to help children who are of preschool age.

Second, our legislation requires grant recipients to recompute for new grants every 5 years to help ensure a constant high level of quality.

Third, we clearly define what we mean by deficiency. We don't aim to catch people doing things wrong; we would rather catch them doing things right. When there are things that are wrong, the Head Start providers deserve to know what the standards are so they can make sure they meet them.

Fourth, this legislation provides clear authority to the governing boards to administer, and be held accountable for, local Head Start programs while ensuring that policy councils on which parents sit continue to play a crucial and important role.

Finally, as I mentioned earlier, this legislation continues to encourage State standards especially that cause there to be more cognitive learning, more emphasis on what children should be able to know and be able to do before they get to first grade—make sure they are ready to learn.

Americans uniquely believe that each of us has the right to begin at the same starting line and that, if we do, anything is possible for any one of us. We also understand that some of us need help getting to that starting line. Most Federal funding for social programs is based upon an understanding of equal opportunity in that way.

Again, Head Start began in 1965 to make it more likely that disadvantaged children would successfully arrive at one of the most important of our starting lines—the beginning of school. Head Start, over the years, has served hundreds of thousands of our most at-risk children. The program has grown and changed, been subjected to debate; but it has stood the test of

time because it is very important. We have made a lot of progress. Only a few professionals had studied early childhood education when it began. Even fewer had designed programs specifically for children in poverty with the many challenges.

The origins of Head Start come from an understanding that success for these children wasn't only about their education. The program was designed to be certain that these children were healthy, got their immunizations, were fed hot meals and of crucial importance—that their parents were deeply involved in the program.

From the beginning, comprehensive services, including medical, dental, and nutritional services—and parent and community involvement were a part of Head Start programs, and that is still true today. In the early days, teacher training and curriculum were seen as less important. Now we know a lot more about brain development and how children learn from birth, and we understand that even for these very young children, teacher training and curriculum are very important.

Today, young children are expected to learn more and be able to do more in order to succeed in school. Many public schools now offer kindergarten. When this program started, Tennessee didn't have a public school kindergarten program. Now 40 States offer early childhood programs.

As Congress prepares to reauthorize Head Start, it is important that we recognize the program's importance and work to make it stronger. But we need to recognize also that today it is not fulfilling its promise as well as we would like. It is not meeting the purpose of serving our children who are most at risk as well as we would hope. I am not satisfied with the current practices, which fall short of the standards the taxpayers should expect, and that is why there are some changes in the bill.

We address this issue, first, by holding up successful local programs as models so others may follow their example, and by clarifying lines of accountability so any corrupt practices may be rooted out. The bill creates ways for States to help strengthen and coordinate Head Start, but would continue to send Federal funds directly to the nearly 1,700 grantees that provide services in over 29,000 Head Start centers that serve just over 900,000 disadvantaged children.

Let me talk about the Centers of Excellence first, because this is one of the most hotly debated parts of the bill—or it was. I think it is pretty well accepted now. The bill authorizes the Secretary of Health and Human Services to create a nationwide network of 200 Centers of Excellence in early childhood built around exemplary Head Start programs. These Centers of Excellence would be nominated by the Governors. Each Center of Excellence would receive a Federal bonus grant of at least \$200,000 in each of 5 years, in addition to base funding.

The Centers' bonus grants could be used for some of the following:

One, to work in their community to demonstrate the best of what Head Start can do for at-risk children and families, including getting the children ready for school and ready for academic success.

Two, it can coordinate all early childhood services in the community. As I mentioned earlier, we are spending \$21 billion in Federal dollars for these children. Many States and local governments are spending money. We need to spend it together.

Three, we can offer training and support to all professionals working with at-risk children.

Next, we can track Head Start families and ensure that their services are provided seamlessly to children, from prenatal to age 8.

Next, they can be models of excellence held accountable for helping our most disadvantaged children.

Finally, to have the flexibility to serve additional Head Start, or early Head Start children, or provide more full-day services to better meet the needs of working parents.

Head Start centers are uneven in performance, but usually they excel in two areas critical to success for caring and educating children: No. 1, developing community support and, No. 2, encouraging parental involvement. Alex Haley, one of my closest friends, and the author of "Roots," lived by these words:

Find the good and praise it.

For me, that was an invaluable lesson. My hope is these Centers of Excellence will find the good and praise what is best about Head Start and show it to the rest of us.

It also helps to get the Governors involved. The President had suggested that we turn more of the funding over directly to the States. I and others are not willing to do that, at least at this stage.

One of the beauties of Head Start is that it is very decentralized and for a long time it has worked well that way. So our compromise was that the Centers of Excellence, which will get the Governors involved, will help coordinate the programs more effectively and maybe we can learn something over the next 5 years that we can put then in the next reauthorization of Head Start.

Also, this bill goes a long way to help make the spending of that \$7 billion of taxpayers' money more accountable. First, it requires recipients to recompute for grants every 5 years. This ensures that after 5 years, each program is still meeting its standards.

I recognize there are concerns about this recompute requirement. Some people say we need continuity and it will create anxiety among children, among teachers if they are afraid they may lose their right to continue serving after 5 years.

Many Head Start grant recipients are doing a very good job, and rather than causing a disruption every 5 years, I

hope this recompute process will highlight their success. To help streamline the process for successful programs, grant recipients that are neither deficient nor have been found to have an area of noncompliance left unresolved for more than 120 days will receive a priority designation during the recompetition process.

Second, the bill defines what makes a local program deficient. Right now, the deficiency standard is very general and inconsistent across the Nation. But if an action threatens the health, safety, or civil rights of children and staff, denies the parents the exercise of their full roles and responsibilities, misuses funds, loses its legal status or financial viability, or violates other standards specified in the bill, those are the more specific standards that are now a part of the bill. It will help make it possible for grantees to have a clearer idea of what they are expected to do.

Finally, the bill makes clear that the governing board shall be the body that is charged with running local programs and which will be held accountable for those programs. This may seem like a little bit of inside baseball, but it is actually not. It goes straight to the heart of several of the problems we have had in some Head Start grantees around the country.

Perhaps the most effective witness I heard in any of our hearings was the mayor of Shelby County, TN—that is around Memphis—A.C. Wharton. A.C. Wharton testified, as did other witnesses, that the dual governance structure between the governing board and the policy council was inadequate and neither body had adequate decision-making authority. Here is what he told the committee:

What we're faced with is not merely a benign situation in which an errant agency through no bad intent runs afoul of the guidelines. In many instances the wrongdoings and shortfalls are calculated to bring about the political empowerment or financial enrichment of those who profit from the wrongdoing.

I believe we fix that problem based on the advice we received from Mayor Wharton and other witnesses. This bill gives governing boards direct authority and holds them accountable. That is an important element of the bill, and I think it is a necessary step. But Mayor Wharton and others reminded us that we need to be careful about how we handle this issue. Mayor Wharton said the governing body should not "be allowed to ride roughshod over the dignity that should be accorded all participants in Head Start programs whether they are grantees, policy councils, policy committees, or certainly children and parents."

I appreciate the mayor's concern, and I appreciate that note of caution. I thank him for his straightforward testimony. Perhaps he will know that long trip from Memphis to Washington was not in vain because his concerns are right in the middle of the bill that we will introduce later today.



We all understand the importance of parental involvement and parental responsibility over the operation of the Head Start Program. We want to preserve that parental responsibility, but we also want to make sure we preserve fiscal accountability of the program at the same time, and we believe we have done that. We have crafted a careful balance. We give the governing board fiscal and legal responsibility, while ensuring policy councils on which parents sit continue to play an important role in the running and operation of local Head Start Programs within the framework the governing board sets. It is a fair compromise and one that will strengthen the program.

I learned about the importance of preschool education in a very personal way. When I was growing up in Maryville, TN, at the edge of the Great Smokey Mountains, my mother operated the only preschool education program in our town—well, there may have been one other. I think Mrs. Pesterfield also had one. But she operated this program in a converted garage in our backyard. She had 25 3- and 4-year-olds in the morning and 25 5-year-olds in the afternoon. I think she charged \$25 a month for this care for these children.

This was before Head Start. This was before we understood very much about preschool education and the early development of the brain. But parents instinctively knew that was a good place for their children. When Alcoa moved executives to our little town, they usually would find a way to get their children into Mrs. Alexander's nursery school and kindergarten before they looked for a home because those parents knew then that preschool education was important to their children's success.

We all understand that for all of our children. We understand that the earlier this starts—at home first—and then with all the extra help we can give that home, these children will be ready to get to the starting point.

I am the only U.S. Secretary of Education, I think, Mr. President, who spent 5 years in kindergarten. The reason I did was that my mother had no other place to put me than the kindergarten she operated in our backyard. Looking back, there probably wasn't a better place for me to have been than that 5 years of intensive preschool education. It is something we should hope for virtually every child growing up in this country. We believe anything is possible. We believe in free enterprise, we believe in competition, and we believe in the starting line. But there is no Federal program that exists that does a better job of helping disadvantaged children get to the starting line than Head Start.

I congratulate Senator KENNEDY, Senator ENZI, and Senator DODD, and the other Senators who have worked on this legislation. We look forward to introducing the legislation this afternoon. I thank all those who have taken

time to come to the hearings, and I especially thank the mayor of Shelby County, Mayor Wharton, for his testimony because it has made its way directly into the legislation to help make sure Head Start not only helps children but that there is accountability to the taxpayers.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. WARNER. Mr. President, I have been on the road and I telephoned in and asked the cloakroom to reserve the period of 3:45 to 4:30 for the Senator from Virginia and seven other Senators to speak briefly. I ask unanimous consent that my request be granted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer.

Mr. THOMAS. Mr. President, may I speak as if in morning business?

The PRESIDING OFFICER. We are in morning business, and the Senator may speak for up to 10 minutes.

Mr. THOMAS. Just 10 minutes?

The PRESIDING OFFICER. That is the order we are under.

#### NOMINATION OF CARL JOSEPH ARTMAN

Mr. THOMAS. Mr. President, I will talk about something very important which will soon be pending before the Senate; that is, the nomination of Carl Joseph Artman as Assistant Secretary for Indian Affairs.

The Indian program in this country is very important. As part of the Government, we have part of the Interior Department working on it. I rise to offer my strong support for the nomination of Carl Artman for Assistant Secretary for Indian Affairs in the Department of the Interior. Mr. Artman is an excellent candidate with diversity and experience in both the public and private sectors and has the leadership and the academic credentials needed for this extraordinarily demanding position.

This position is unique in that many of the issues with respect to Indian affairs are unique. Yet it has to be someone who has background in government and operations. The Assistant Secretary implements Federal Indian policy set forth by the Congress and facilitates the government-to-government relationships with 561 Indian tribal governments. That is a large challenge.

The Assistant Secretary is responsible for a variety of activities and pro-

grams in Indian communities, including economic development, law enforcement, trust assessment management, social services, and education. In discharging these duties, the Assistant Secretary must balance many competing interests and needs in working with the States, in working with the tribes, and in working with the Federal Government. Mr. Artman has pledged to facilitate more vibrant communication among the Indian tribes and their neighbors. I believe that is helpful in terms of furthering Federal policies of interaction with the Indian tribes on a government-to-government basis and encouraging Indian self-determination and self-government. That is our challenge and the challenge the tribes take, to become more independent economically and from a government standpoint so they can operate as they choose with self-government.

The job of Assistant Secretary for Indian Affairs has been made exponentially more difficult by the methamphetamine plague that has ravaged the Indian tribes and the Indian communities. I am encouraged by Mr. Artman's commitment to fighting and defeating this epidemic, which may require aggressive efforts by the agency he will lead as well as other Federal and tribal partners to achieve measurable results.

Mr. Artman is also committed to assisting tribal governments develop the socioeconomic infrastructure and fight the obstacles in many of our Indian reservations that foster hopelessness and despair. One of the issues is to provide opportunities for the tribal members to have jobs, to be somewhat sufficient and self-supporting in terms of their economy.

Although many Indian tribes have made tremendous gains through tribal self-governance and some have managed to flourish materially in recent years through economic development, it is a common misperception that most tribes have experienced economic prosperity as a result of successful gaming facilities. In fact, poverty and unemployment are still prevalent in far too many communities in Indian Country. A robust and diversified economy is essential to improving the quality of life of these communities and to providing the people living in them with alternatives to such heartbreaking problems of suicide and substance abuse, of which there is an abundance.

I am confident that Mr. Artman will provide outstanding leadership in this daunting challenge. I urge my friends in the Senate to approve his confirmation, which I hope will come before the Senate in the very near future.

I yield the floor.

The PRESIDING OFFICER. (Mr. TESTER). The Senator from Oregon.

#### ORDER OF PROCEDURE

Mr. SMITH. Mr. President, I know we are in morning business. I will speak in such. I came from a meeting with the

majority leader. He indicated a willingness to let me speak without interruption for 20 minutes. If there is no objection, I ask for that, then, by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. After that, Mr. President, we will go as we can. I know other colleagues are coming. Senator WARNER has an amendment he wants to speak to at 3:45.

#### SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. SMITH. Mr. President, I came here today knowing we were in morning business but looking to find a time to make a case of my State before the United States on an issue of great emergency. The clock is running out. I am speaking of the Secure Rural Schools and Community Self-Determination Act of 2000.

I am pleased to state that in my conversation with my friend, the majority leader, he did indicate that he has become aware of this issue with some intensity through his conversations with Senator WYDEN and now with me, and that Senator WYDEN and I have little choice but to use all of our rights and privileges as Senators to focus the attention of the United States on this dire issue. I know many of my colleagues want to speak. I do not mean to disrupt their schedules, but as long as I can be allowed to speak today and at future opportunities, I intend to speak and to take a lot of time. I came prepared to speak for 5 hours today. I have a long speech, a lot of phonebooks in the cloakroom. I have a tale to tell that I believe America needs to hear about the Pacific Northwest and the people I am privileged to represent.

I want Members to understand my position in the Senate, how a rural businessman from eastern Oregon was elected to the Senate, the first time someone with my profile has been elected in my State in over 70 years. It is because my political base was heard and through my candidacy has tried to be heard. It is a political base the cornerstone of which consists of farmers, fishermen, and foresters.

The rural people I live with in rural Oregon, my hometown of Pendleton, OR, are counting on me to do everything I can to bring to the attention of this Senate and to the Congress in general the dire situation in which our State finds itself.

I talked about the Secure Rural Schools and Community Self-Determination Act of 2000. That program actually expired last December. Despite many efforts in this Senate and from my colleagues in the House, efforts to extend the safety net have simply failed. Senator WYDEN is working the way I did with my leadership before when we were in the majority. I hope he finds something different from what I found. What I found was people will-

ing to listen, your cause is just, but we can't do anything for you unless and until everyone is in agreement.

The problem for this particular bill is that it isn't Republican and Democratic; it is the United States against the Pacific Northwest. It is State versus State. It is Idaho complaining about Oregon's formula allocation or Washington about Oregon or Montana or California or Mississippi or all the States in the Southeast that look for county funding from this act. It is really more parochial. It is more local. It is more about individual constituencies.

The formula complained about was a formula derived from this bill that Senator CRAIG, Senator WYDEN, and myself, as the original sponsors, authored. It is a formula based on historic harvest off of public lands. By that historical formula, Oregon got about half of the money allocated under this program. There is disgruntlement now with that formula. The problem is no one can agree on another formula without doing great damage to the historical position in which Oregon finds itself.

As I speak today, thousands of layoff notices are being prepared by rural counties in my State. These include law enforcement officers, county road crews, surveyors, assessors, clerks, public health workers, district attorneys, among others. These are the basic units of our extended democracy. These services are required by the Oregon State Constitution to be provided by our counties. Now those units of government are in jeopardy.

My amendment cannot be called up because the amendment tree has been filled by the majority, as is their right—a practice that is coming, though, under increased scrutiny. I will briefly describe the amendment. It provides a 1-year extension of the safety net. Literally, what we are talking in the totality of this budget is a .09 percent across-the-board cut to other programs funded in this bill. I realize the majority would prefer to have this Chamber acquiesce to the preexisting contents of the bill. The fact that we are only now considering it, just hours before the Federal Government shuts down, illustrates this point.

Some have said to me: How can you try to look for opportunities to filibuster the continuing resolution? How can you do that, Senator, and shut down the Government? I believe this Senate should know my heart and feeling is the United States will shut down Oregon in many respects if the continuing resolution is allowed to go forward without, literally, \$360 million. That is what we are talking about—in a \$1.7 trillion budget, \$365 million. That is a lot of money to you and me individually; it is a rounding error in a \$1.7 trillion continuing resolution. When that is translated to what it means to Oregon counties, it means shutdown.

This is not a pure continuing resolution, though. The Committee on Appropriations of both the House and the

Senate have shifted billions of dollars between accounts in support of their priorities. Many of those adjustments are laudable and reflect the Nation's priorities. But the fact that the county payments safety net was not addressed in this bill requires me to come to this floor and do what I can to change it. It may also reflect that many of my colleagues do not understand what this program means—not only to my State but to 8.5 million schoolchildren, 557,000 teachers, and 18,000 schools nationwide.

But to fully understand the safety net and this Government's moral obligation to rural counties, a history lesson is in order. My colleagues need to understand why Federal forest management decisions make or break my State and why the consequences of these decisions have moral implications for this Chamber to consider and to act upon.

The Oregon story is a history of trees and timber, of boom and bust. The Federal Government plays a central role in this account, both as protagonist and antagonist.

Alexis de Tocqueville, writing about democracy in America in the 1830s, believed that any history—of men and nations alike—must begin at infancy. He wrote:

A man has come into the world; his early years are spent without notice in the pleasures and activities of childhood. As he grows up, the world receives him when his manhood begins, and he enters into contact with his fellows. He is then studied for the first time, and it is imagined that the germ of the vices and the virtues of his maturer years is then formed.

This, if I am not mistaken, is a great error. We must begin higher up; we must watch the infant in his mother's arms; we must see the first images which the external world casts upon the dark mirror of his mind, the first occurrences that he witnesses, we must hear the first words which awaken the sleeping powers of thought, and stand by his earliest efforts if we would understand the prejudices, the habits, and the passions which will rule his life. The entire man is, so to speak, to be seen in the cradle of the child.

Like Alexis de Tocqueville's America, the Oregon story must be told from the beginning.

Many of my colleagues are familiar with the slogan "54-40 or fight!" This referred to the territorial dispute between Great Britain and the United States over the Northwest Territory, lying south of the parallel 54 degrees, 40 minutes.

In 1846, Great Britain conceded absolute jurisdiction to the United States, and in 1848, Congress formally declared this land "the Oregon Territory," albeit below the 49th parallel.

Joseph Lane, of Roseburg, OR, became the first territorial Governor of Oregon Territory. Soon thereafter, the Columbia River divided it into two territories, with Washington Territory demarcated north of the river.

Two days from now will mark the 148th anniversary of a great act of this body. By the way, Oregon's birthday is Valentines Day every year.

Let me read from the CONGRESSIONAL RECORD—then called the Journal of the Senate—from February 14, 1859:

Mr. President: The House of Representatives has passed the bill of the Senate (S. 239) for the admission of Oregon into the Union.

Mr. Jones reported from the committee that they had examined and found duly enrolled the bill (S. 239) for the admission of Oregon into the Union.

A message from the President of the United States by Mr. Henry, his secretary:

Mr. President: The President of the United States this day approved and signed an act (S. 239) for the admission of Oregon into the Union.

Mr. Pugh presented the credentials of the honorable Joseph Lane, elected a senator by the legislature of the State of Oregon.

The credentials were read; and the oath prescribed by law was administered to Mr. Lane and he took his seat in the Senate.

Mr. Gwin presented the credentials of the honorable Delazon Smith, elected a senator by the legislature of the State of Oregon.

The credentials were read; and the oath prescribed by law was administered to Mr. Smith and he took his seat in the Senate.

I note that my colleague, Senator WYDEN, is on the floor. As a matter of interest to him and me, I sit in the seat of, I suppose appropriately, Delazon Smith. Senator WYDEN sits in the seat of Joseph Lane.

Mr. President, as an aside, I have always thought the best movie I had ever seen as a little boy was "Mr. Smith Goes to Washington." Apparently, I am going to be denied that opportunity today, but I do want to begin this 5-hour speech which the Senate will hear in its entirety eventually and on other pieces of legislation inevitably.

Mr. Gwin submitted the following resolutions; which were considered, by unanimous consent, and agreed to:

*Resolved*, That the Senate proceed to ascertain the classes in which the senators from the State of Oregon shall be inserted, in conformity with the resolution of the 14th of May, 1879, and as the Constitution requires.

*Resolved*, That the Secretary put into the ballot box two papers of equal size, one of which shall be numbered one, and the other shall be numbered two, and each senator shall draw out one paper; that the senator who shall draw the paper numbered one shall be inserted in the class of senators whose term of service will expire the 3d day of March, 1859, and the senator who shall draw the paper numbered two shall be inserted in the class of senators whose term of service will expire the 3d day of March, 1861.

Whereupon—The papers above mentioned, being put by the Secretary into the ballot box, the honorable Joseph Lane drew the paper numbered two, and is accordingly in the class of senators whose term of service will expire the third day of March, 1861. The honorable Delazon Smith drew the paper numbered one, and is accordingly in the class of senators whose term of service will expire the third of March, 1859.

That is the end of the citation.

This is how Oregon entered the Union and its first two U.S. Senators were welcomed into this great deliberative body—148 years ago this Wednesday.

On February 14, 1859, Oregon had a population of 52,465 people. Congress passed and President Lincoln signed into law the Homestead Act in 1862. That law offered 160 acres to any cit-

izen who would live on frontier land for 5 years. By 1866, Oregon's population was nearly doubled by those answering the Federal Government's call into the fertile valleys and along the fish-filled rivers of Oregon. Even when the land in the valleys and along the rivers was all taken, there was another wave of pioneers ready to head into the mountains.

One such story is recounted by Jessie Wright in her book "How High the Bounty." Jessie and Perry Wright were granted the first of five homesteads in the Umpqua National Forest. This story—as were thousands of others—was a call to the Manifest Destiny, embodied in our State song, "Oregon, My Oregon." By the way, if I get a chance to get back at this, eventually I will read the whole book, "How High the Bounty," here in the Senate. But our State song embodies this Manifest Destiny. It sings like this. I will not sing it to you, Mr. President.

Land of the Empire Builders,  
Land of the Golden West;  
Conquered and held by free men,  
Fairest and the best.  
Onward and upward ever,  
Forward and on, and on;  
Hail to thee, Land of Heroes,  
My Oregon.

Land of the rose and sunshine,  
Land of the summer's breeze;  
Laden with health and vigor,  
Fresh from the Western seas.  
Blest by the blood of martyrs,  
Land of the setting sun;  
Hail to thee, Land of Promise,  
My Oregon.

When Oregon entered the Union in 1859, the State itself was given roughly 3.5 million acres of the 62 million acres lying within its boundaries. The remaining 95 percent of the land base was retained by the Federal Government as national public domain lands. Think of that, Mr. President. Just like your State, I suspect, the Federal Government owns most of it.

Over a period of 75 years, following Oregon's statehood, the U.S. General Land Office sold, exchanged, donated, or otherwise disposed of 23 million acres of Oregon's land—reducing Federal ownership from 91 percent to 52 percent.

The Federal Government continues to hold ownership to 33 million acres of Oregon land, wielding autocratic control over a majority of my State—a practice exercised only against Western States, holding them in what can only be described as a form of economic bondage. Neither the State of Oregon nor its counties can tax federally controlled land or exercise any control whatsoever over them. But since 1908, with the passage of the 25 Percent Act, the Federal Government has paid counties 25 percent of the income generated from timber, mining rights, grazing leases, and other benefits from the land it owns in Oregon. Twenty-five percent; that is what we are talking about. That is what has gone away through timber law changes and court decisions and administrative Executive orders.

Since 1937, the Bureau of Land Management has shared 75 percent—and more recently 50 percent—of its timber receipts with affected counties.

It was out of the 33 million acres of Federal land that were created, first, the forest reserves and then the national forests. The General Revision Act in 1891 allowed Presidential withdrawal of forest reserves. The Organic Act and the Forest Reserve Act followed, expanding the National Forest System and Federal assertion over the management of these forests.

In creating these Federal forests, President Teddy Roosevelt had a clear policy. This is what Teddy Roosevelt said:

And now, first and foremost, you can never afford to forget for one moment what is the object of our forest policy. That object is not to preserve the forests because they are beautiful, though that is good in itself; nor because they are refuges for wild creatures of the wilderness, though that, too, is good in itself; but the primary object of our forest policy in the United States, is the making of prosperous homes. Every other consideration comes as secondary.

Unlike other Western States with national forests, Oregon has a unique tract of Federal forestland. Its official name is the Revested Oregon and California Land Grant and the Reconveyed Coos Bay Wagon Road grant lands, or O&C for short. These forests have a fascinating history of their own. To capture this history, I will borrow from the book "Saving Oregon's Golden Goose," interviews with Joe Miller. It reads as follows:

Think of railroads as the internet of America's Gilded Age. . . .

Am I done, Mr. President? I am just getting to the good part. You would really enjoy this.

The PRESIDING OFFICER. The Senator has used his 20 minutes. It has been good.

Mr. SMITH. I thank the Presiding Officer for the time and the majority leader for his courtesy. I was informed by the majority leader that after Senator WYDEN and other Senators who have reserved time speak, I could again ask for time, and would indicate that being my intention because I do not want you to miss this. This is really getting good, Mr. President. There is about 4½ hours to go of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I believe the distinguished Senator from Virginia has time reserved at about 3:45. I ask unanimous consent to be able to speak up until 3:45, when the distinguished Senator from Virginia has his time allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, before he leaves the floor, let me tell my colleague from Oregon that I very much appreciate his comments with respect to the county payments legislation. The top priority—the top priority—for Oregon's congressional delegation in

this session is getting this program reauthorized.

I wrote this law in 2000 with Senator CRAIG because it was my view in 2000 that without this program, Oregon's rural communities would not survive. I am here today to tell the Senate that if this program is not reauthorized, there is a serious question today whether these rural communities will be able to survive. Now, I want to bring the Senate up to date on three developments with respect to the reauthorization of this critically needed program.

The distinguished Senator from Nevada, the majority leader, Mr. REID, has been the majority leader for just over 1 month.

I have had many conversations with the majority leader about this program. He vacationed in our beautiful State this summer. He saw the importance of our bountiful forests. I explained to him that the Federal Government owns more than half of our State. He has told me that he is determined to work with me until our State gets a fair shake with respect to this critically important program.

Second—and this is something that the distinguished Senator from Montana knows something about—we have a good bipartisan group of Senators on the legislation I have authored to reauthorize the program. Both Senators from Oregon, both Senators from Washington, and both Senators from California, the distinguished Senator from Montana, and the distinguished Senator from Alaska have all joined us in the effort to reauthorize this program.

Third, as the chairman of the Forestry Subcommittee, I would like to announce that the first hearing we are going to have in the Forestry Subcommittee is to reauthorize this program. Because it is so important, because it is a lifeline to rural communities across our State, we are making this the subject of the first hearing. We have pink slips going out now, county commissions trying to make decisions about schools and law enforcement. These programs involved are not extras. They are not the kind of thing that you consider something you would like to have. These are programs that involve law enforcement, that raise the question of whether we are going to have school in our State other than three times a week in some of these rural communities. I am committed to making sure that doesn't happen. Senator SMITH is committed to it. The whole Oregon congressional delegation is committed to it.

In Curry County, for example, on the Oregon coast, they are looking at the prospect of laying off all nonessential workers, including patrol officers, some of whom would be left to perform only their mandated correction duties. In a few months, they will have laid off 20 percent of their county workforce. My judgment is—and this comes directly from those folks in Curry County—there is a real question about

whether they are going to be able to continue as a county without this essential program.

We have seen similar cuts put on the table all through the rural part of our State. A lot of Senators—I know the Senator from Montana knows a little bit about it—can't identify with something like this. In most of the East, they don't have half of their land in public ownership. They essentially have private property. A piece of private property is sold, revenue is generated, taxes are paid. That is how they pay for services. We have not been able to do that in our State because the Federal Government owns more than half of our land.

People ask: How is it—and Senator SMITH has touched on this this afternoon—that Oregon depends on these revenues for essential services? Well, God made a judgment that what we ought to do in Oregon is grow these beautiful trees. And, by God, we delivered. That is what we do. And we do it better than anybody else. So we didn't come up with some arbitrary figure back in 2000 and say, well, let's just give the State of Oregon a whole bunch of money because we decided to exercise raw political muscle. It was essentially based on a formula that is decades old, built around the proposition that where the Federal Government owns most of the land, we ought to make it possible for those communities to get help, at least at that time, through timber receipts. But when the environmental laws changed, suddenly those counties were high and dry.

So I went to the Clinton administration. Frankly, I was pretty blunt. I have been blunt with the Bush administration, but I was even more blunt with the Clinton administration.

I said: You don't pass this program, you might as well not come to our State because you are not going to be able to make a case for cutting off this program when those communities are getting hammered through no fault of their own. They did nothing wrong.

What happened in this country is that values changed. Environmental priorities changed. All of a sudden those counties had nowhere to turn. So you are seeing that in Montana, in Oregon, throughout these small communities.

Senator SMITH has seen this as well. You can't go to a small community in rural Oregon, such as John Day, and tell them they ought to set up a biotechnology company in the next few months. They are making a big push right now to diversify and get into other industries. But these resource-dependent communities, communities that are looking at the axe falling on them, not in 6 months, not in a year, but coming up in a matter of weeks, they have nowhere to turn. So we consider ourselves the last line of defense.

What we are asking for is what I and Senator REID, the majority leader, have been talking about. And that is a fair shake for our State, not a death

warrant for rural communities in our State, not a program that, in effect, has them shrivel up and disappear. We want a fair shake.

This is an extraordinarily important issue. I just had a big round of townhall meetings across my State. We are all going home for the recess. I will start another round of those townhall meetings in rural Oregon this weekend. What happens at these meetings is you have law enforcement people. I had Sheriff Mike Winter from southern Oregon—I am sure Senator SMITH knows Mike Winter—talking to us about what the cuts would mean in law enforcement in rural areas. We are talking about law enforcement, the fight against methamphetamines, which I know the Senator from Montana knows something about. It is a scourge that is clobbering the whole West. We can't leave our communities defenseless. We can't leave our communities without the resources they need to fight meth and these other critical problems.

I have open meetings, one in every county every year. I am sure the Senator from Montana will be starting something like that. Folks in these rural school districts used to come up and say: Ron, we are not going to have school but for 3 days a week if we don't have this program. So what we are talking about is any serious semblance of public instruction in rural communities in our State. We don't see how we are going to be able to achieve it without this particular program.

The consequences here are very real. The consequences are tragic. This is not a question of the Oregon congressional delegation, Senator SMITH and myself, crying wolf and coming out and just being alarmists on the floor of the Senate. This is what we hear from our constituents. I heard it at town meetings a little bit ago, just a little over a week. I am going to hear it again this weekend. Suffice it to say, over 700 counties in 39 States are involved. Many of them are in parts of the country where the Federal Government owns most of the land. That is certainly the case in Oregon where we have many rural communities where significantly over half of the land is owned by the Federal Government.

Mr. SMITH. Mr. President, I wonder if my colleague will yield for a question.

Mr. WYDEN. I am happy to yield.

Mr. SMITH. My colleague is the author of this legislation. As he has worked in the 109th Congress from the minority side, and I worked the majority side, I suppose he found, as I did, that many people said: Well, the cause is just, but just work it out. There weren't a lot of folks who wanted to work it out. Now, as we come to the final business of the last Congress in this Congress, in a congressional resolution, is it not true that we only have this piece of legislation and the emergency supplemental that we have to attach this to? And if we don't, the pink slips are for real?

Mr. WYDEN. The Senator is right with respect to how critical this question is. As he knows, because he and I have made this a top priority now for quite some time, we didn't get a fair shake in the last session of Congress. I put a hold on several appointments from the Bush administration because I wanted to make sure that they got the wake-up call. I lifted that hold and, frankly, I wish I hadn't because I think they have never put the effort into trying to get this warranted program reauthorized. So Senator SMITH is correct in terms of saying that this program should have been reauthorized some time ago. He and I have put it at the top of our priority list.

This is not an abstract question. Decisions are being made by rural school officials, by county commissions at this time. They are looking at cuts that are going to affect our ability to protect the communities from serious matters as it relates to criminal justice, to adequate public education. And we are not talking about extras. We are talking about basics, as Sheriff Mike Winter from southwestern Oregon has noted, and local school officials as well. We want to make it clear just what the consequences are going to be.

I mentioned Curry County on the Oregon coast, for example. A number of our other communities—Douglas County, Lane County, in particular—are going to see direct and painful consequences as a result of this program and the failure of this program to be reauthorized. County payments legislation is supported by a diverse coalition. We are pleased to see that this is a top priority of the National Association of Counties. A number of labor organizations have also said that they believe this is critically important.

I will just wrap it up by saying that I believe these cuts in payments to rural counties are going to hit the rural part of my State and rural America like a wrecking ball. They are going to pound these communities. And it doesn't have to happen. Senator SMITH has made that point. I have made that point. The whole Oregon congressional delegation, every member of our House delegation, we don't have 50 Members representing us in the House of Representatives like California, but we are going to be heard.

I have been gratified that Senator REID, our majority leader, has been willing to spend so much time with me. He is a westerner. He knows what the impact is in a public lands State. He was in our State. He saw what the forests mean to us. He is an honorable man and a man of his word. He said he would work with me to make sure that our State gets a fair shake. We are going to make sure that message is heard loudly and clearly when we have the hearing in the Forestry Subcommittee. We will make sure the legislation that the Senator from Montana has joined me on will get a thorough hearing at that particular discussion.

I thank the distinguished Presiding Officer for being a cosponsor of this bill. We are glad to have him in our bipartisan coalition.

I wanted to wrap up by saying I appreciate Senator SMITH's remarks here on the floor. He is going to hear from the Oregon congressional delegation and Oregon Senators again and again, until this critical program is reauthorized.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Is there objection to calling off the quorum?

Mr. WARNER. No. Before the Senator begins to speak, I want to make this clear. I ask the Presiding Officer, am I not to be recognized for the time between 3:45 and 4:30?

Mr. WYDEN. Mr. President, the distinguished Senator from Virginia, I think, will be pleased with my request.

I ask unanimous consent that Senator WARNER be recognized at this time for up to 60 minutes and, following that, Senator MURRAY be recognized for 15 minutes, a Republican Senator be recognized next for 10 minutes, then Senator MCCASKILL be recognized for 10 minutes, and then Senator SMITH be recognized for up to 75 minutes. I will be joining Senator SMITH during his 75 minutes. That is my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia is recognized.

#### IRAQ RESOLUTION

Mr. WARNER. Mr. President, I shall be joined by a number of colleagues and the purpose of our taking this time is as follows: We have decided to put in an amendment to H.J. Res. 20, amendment number 259 which will be printed in today's record. This amendment mirrors S. Con. Res. 7, a resolution prepared by myself and others sometime last week, which expresses certain concerns we have with regard to the President's plan as announced on January 10 of this year.

This amendment, to H.J. Res. 20 is cosponsored by Mr. LEVIN, Ms. COLLINS, BEN NELSON of Nebraska, Mr. HAGEL, Ms. SNOWE, Mr. SMITH, Mr. BIDEN, and as other Senators return to town, we may have further cosponsors.

We are concerned that the fighting rages on throughout Iraq, and particularly in Baghdad. It is very important

that the Senate should, as the greatest deliberative body—certainly in matters of war and peace—in a prompt way address the issues regarding Iraq.

Our men and women in the Armed Forces are fighting bravely in that conflict, as they are in conflicts elsewhere worldwide. Our concerns are heartfelt, not driven by political motivation. As we gathered as a group in the past 2 weeks to work on this, we took note of the fact that the President, on January 10, in his message to the Nation explicitly said that others could come forward with their ideas. I will paraphrase it—the exact quote is in the amendment we are putting in today—that he would take into consideration the views of others. So in a very constructive and a respectful way, our group said we disagreed with the President and we gave a series of points urging him to consider those points as he begins to implement such plan as finally devised throughout Iraq but most specifically in Baghdad.

We are very respectful of the fact that the plan put in by the President was in three parts: a diplomatic part, an economic part, and a military part. We explicitly stated in the resolution our support for the diplomatic and economic parts, and we are hopeful it can be put together in a timely fashion. There is some concern as to whether the three main parts can progress together, unified, in this operation, given the short timetable to implement it. So two parts of the program we wholeheartedly support and so state in this amendment.

The concern is about the military section. We state the explicit nature of our concerns. Some Senators have suggested the resolution expresses matters which I can find no source whatsoever in the resolution for those complaints. Nevertheless, I will address in the course of this time each and every one of those concerns.

Indeed, on the weekend talk shows, one Senator said: My problem with the Warner proposal and others that criticize the surge is, what is your plan? All right. That is a legitimate question. I say that our amendment states a clear strategy. It says as follows:

The Senate believes the United States should continue vigorous operations in Anbar Province specifically for the purpose of combating an insurgency including elements associated with the al-Qaida movement and denying terrorists a safe haven.

Secondly, the primary objective of the overall strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation.

Next, the military part of the strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, supporting the Iraqi efforts to bring

greater security to Baghdad, and training and equipping Iraqi forces to take full responsibility for their own security.

Likewise, another part of our amendment states:

The United States military operations should, as much as possible, be confined to these goals and should charge the Iraqi military with the primary mission of combating sectarian violence.

The United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace and reconciliation process. Overall, military, diplomatic, and economic strategies should not be regarded as an open-ended or unconditional commitment, but rather, as a new strategy, hereafter should be conditioned upon the Iraqi government meeting benchmarks that must be delivered in writing and agreed to by the Prime Minister.

Then we spell out a series of benchmarks. Such benchmarks should include, but not be limited to, the deployment of that number of additional Iraqi security forces as specified in the plan in Baghdad, ensuring equitable distribution of resources of the Government of Iraq without regard to the sect or ethnicity of recipients, enacting and implementing legislation to ensure that the oil resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds and other Iraqi citizens in an equitable manner, and the authority of the Iraqi commanders to make tactical and operational decisions without political intervention.

Further, some Senators have indicated, again incorrectly, that our resolution either fails to recognize, or disagrees with all aspects of the President's plan, namely the political and economic aspects, in addition to the military part of his plan.

In fact, our resolution acknowledges directly that the President's plan is multi-faceted. Our resolution states, whereas, on January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy, which consists of three basic elements: diplomatic, economic, and military.

As such, our resolution disagrees only with the military aspect of the President's plan, and actually supports the diplomatic and economic aspects of his plan.

Finally, some Senators have suggested that our resolution either fails to support the troops, or threatens a cut-off in funding. Actually, our resolution does neither. It states forcefully our support for the troops: whereas, over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States Armed Forces, and are deserving of our support of all Americans, which they have strongly; whereas, many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families.

And our resolution, specifically protects funding for our troops in the field and states: the Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such an action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

In sum, our resolution aims not to contravene the Constitutional authorities as Commander-in-Chief, but, rather, to accept the offer to Congress made by the President on January 10, 2007 that, "if members have improvements that can be made, we will make them. If circumstances change, we will adjust."

It is clear that the United States' strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship in Congress.

The purpose of this resolution is not to cut our forces or to set a timetable for withdrawal, but, rather, to express the genuine concerns of a number of Senators from both parties about the President's plan.

It is not meant to be confrontational, but instead to provide a sense of bipartisanship resolve on our new strategy in Iraq. It follows many of the conclusions of the Baker-Hamilton report by focusing on what is truly in our national interest in Iraq, and spells those goals out in detail.

I want to divide our time between colleagues. I will ask at this time that the distinguished Senator from Nebraska, Mr. HAGEL, be recognized and that, following his comments, I shall be recognized again to give the remainder of my remarks. I say on a personal note to the Senator how much I valued our conversation over the weekend, together with our distinguished colleague from Maine, after which we decided today to put the language of S. Con. Res. 7 in as an amendment to the pending matter before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise to join my colleagues, Senators WARNER, COLLINS, and others, in offering this amendment to the continuing resolution.

Last week, Senators COLLINS, SNOWE, SMITH, VOINOVICH, COLEMAN, and myself sent a letter to the Senate leadership urging our distinguished majority and minority leaders to reach an agreement so the Senate could debate the war in Iraq.

We said, and I quote from that letter:

The current stalemate is unacceptable to us and to the people of this country.

In the letter, we pledged to—again quoting the letter—"explore all of our options under the Senate procedures and practices to ensure a full and open debate on the Senate floor." That, of course, is why we are here today.

I, similar to my colleagues, am deeply disappointed that a full and open debate on Iraq remains stymied in the Senate. All Members—Members of both parties—have the right and responsibility to present their views and, if they choose, submit other resolutions regarding the war in Iraq.

I am also deeply disappointed that both sides have used procedural tactics in this process. My colleagues and I were assured that the leaders were committed to reaching an agreement on this debate. That has not yet happened, and I, similar to my colleagues, intend to do everything in my power as a Senator to ensure a full and open debate of the Iraq war on the Senate floor in front of the American people. We owe it to our soldiers and their families, and we owe it to the American people.

I wish to focus on one particular aspect of this debate and that has to do with the resolution itself—the relevancy and importance of Senate resolutions. In the last 15 years, there is ample, strong, and significant precedent in the Senate debating a President's military policies while troops are deployed overseas—Bosnia, Somalia, Haiti, Kosovo. In each of those situations, I and many of my colleagues here today in the Senate debated and most of us voted binding and non-binding resolutions regarding U.S. military operations abroad. Many of these measures expressed opposition to the military operations, criticizing, for example, one, the open-ended nature of the deployment; two, the danger of mission creep or escalation of military involvement; three, the danger of deploying U.S. forces into sectarian conflict; and four, the failure of the President to consult with Congress.

It might be instructive to review some of the Senate's history on these recent debates regarding these recent resolutions. Let me begin with Bosnia.

In June of 1992, U.S. forces began to deploy to Bosnia. In December 1995, the United States was preparing to deploy substantial ground forces into Bosnia, roughly 20,000 American ground force combat troops, very similar to the number we are now looking at in the President's escalation of more American troops into Iraq today.

As a result of President Clinton's decision in 1995, the Senate considered Senate Concurrent Resolution 35, a resolution submitted by our colleague from Texas, the senior Senator, Mrs. HUTCHISON. This resolution was a non-binding resolution. Again, this was a nonbinding resolution. This resolution said:

The Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for peace in Bosnia. . . .

This resolution also said:

Congress strongly supports the United States military personnel who may be ordered by the President to implement the general framework for the peace in Bosnia.



So, therefore, it is saying we support our troops, but we disapprove of the President's policy to send more troops. This resolution also said it was a continuation of the previous debate on support of the troops already deployed.

As Senator HUTCHISON said on the Senate floor on December 13:

There are many of us who do not think that this is the right mission, but who are going to go full force to support our troops. In fact, we believe we are supporting our troops in the most effective way by opposing this mission because we think it is the wrong one. . . .

A month earlier in November 1995, Senator HUTCHISON framed the complexities of our military intervention in Bosnia in terms that are eerily relevant to today. She said:

I am very concerned that we are also setting a precedent for our troops to be deployed on the ground in border conflicts, in ethnic conflicts, in civil wars. . . .

Opposition to the President's policy but strong support for the U.S. military—this is similar to the debate we are having today on Iraq.

Senator HUTCHISON's resolution had 28 cosponsors, including our friends and colleagues, Senators INHOFE, CRAIG, KYL, LOTT, BENNETT, HATCH, SHELBY, and STEVENS.

On December 13, 1995, 47 Senators voted in favor of Senator HUTCHISON's nonbinding resolution. That day, 47 Senators believed you could oppose the President's policy but still support our troops.

The next day, December 14, 1995, the Senate considered Senate Joint Resolution 44, a binding resolution introduced by Senator Dole. This resolution supported U.S. troops in Bosnia. This resolution had six cosponsors, including our colleagues, Senators MCCAIN and LIEBERMAN.

On December 14, 1995, the Senate adopted this resolution by a vote of 69 to 30. That was Bosnia in 1995.

Somalia: In December 1992, U.S. troops began to deploy to Somalia. Nearly a year later, in September 1993, the Senate debated the objectives, the mission, and strategy of our military deployment in Somalia. Speaking on the Senate floor on September 23, 1993, Senator MCCAIN framed the debate when he said:

Somalia is a prime example of lofty ambitions gone awry. Our service men and women have become . . . part of a mission to build Somalia into a stable democracy—something, incidentally, it has never been, and shows no sign of ever becoming this decade.

The manner in which military force is to be used to further this grandiose objective has been left unclear. Without a clear military objective, our forces in Somalia have found themselves involved in a situation where they cannot distinguish between friend and foe. They have often been presented with situations where they cannot even distinguish between civilians and combatants.

On September 9, the Senate voted 90 to 7 to adopt a nonbinding—a nonbinding—sense-of-Congress resolution submitted by Senator BYRD. This resolution called on the President to out-

line the goals, objectives, and duration of the U.S. deployment in Somalia and said Congress believes the President "should seek and receive congressional authorization in order for the deployment of U.S. forces to Somalia to continue."

There are 11 cosponsors of the Byrd measure, including our colleagues, Senators MCCAIN, COCHRAN, BOND, and WARNER.

One month later, after the horrible death of 18 U.S. troops in early October, the Senate considered two binding measures to cut off funds, one introduced by Senator MCCAIN and one by Senator BYRD.

On October 15, 1993, the McCain measure, which would have terminated further U.S. military operations in Somalia, was tabled 61 to 38. That same day, the Senate voted 76 to 23 to adopt the Byrd measure to cut off all funding in March 1994 for U.S. forces in Somalia.

There are two more very clear examples, such as the examples I have given on Somalia and Bosnia, that I could discuss—Haiti and Kosovo—in some detail, and I may do that later. But the point is, the facts are clear. There is clear precedent—clear precedent—for both binding and nonbinding resolutions, as well as legislation to redirect, condition or cut off funds for military operations, and this is at the same time we have and we had military forces in those countries.

So to argue, to state, to imply this is somehow not only irrelevant but unprecedented is not the case. The Congress has always had a responsibility, not just constitutionally but morally, to inject itself in the great debate of war.

Mr. WARNER. Mr. President, will the Senator yield on that very point?

Mr. HAGEL. Yes, I yield to Senator WARNER.

Mr. WARNER. We had in our discussions, and Senator COLLINS joined in this discussion—that we could not conceive—and that I, this Senator from Virginia, could ever participate in a cutoff-of-funding in regards to this situation in Iraq.

But back to historical precedents. I have this volume, the "Encyclopedia of the United States Congress," compiled by 20 eminent historians in 1995. And on this subject that the Senator addressed, they said the following:

Another informal power of the Congress in the foreign policy field is the passage of resolutions by the House or the Senate, often called a sense-of-the-House or sense-of-the-Senate resolution. Although not legally enforceable, such resolutions are often taken seriously by the President and his foreign policy advisers because they are useful indicators of underlying public concern about important foreign policy questions. Moreover, as a general rule, the White House wants to maintain cooperative relations with the Congress and to give legislators the impression that their views have been heard and have been taken into account in policy formulation.

Clear documentation of the Senator's points in this very erudite resource of

the history of the Congress. I thank the Senator.

Mr. HAGEL. Mr. President, I thank the Senator from Virginia.

In conclusion, I add that the American people have had enough of the misrepresentations, the politics, and the procedural intrigue in the Senate. I say again to our distinguished leaders of both our parties: It is your responsibility, as leaders of this body, to resolve this procedural dispute so that the Senate can have a full, fair, open debate on the war in Iraq. And I will continue to join my colleagues—Senators WARNER, COLLINS, SNOWE, and others—in making every effort to bring up our resolution at every available opportunity until that debate occurs.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Virginia.

Mr. WARNER. Mr. President, before the Senator leaves the floor, I have another point of history. I find this fascinating. I hope, hereafter, colleagues, pundits, and writers will at least recognize that, and I repeat it. Senate Historian documents confirm the Senate has been posing sense-of-the-Senate resolutions since 1789. Thus, our Framers of the Constitution and those who served in the early Congresses recognized the value of this type of resolution.

I yield the floor. I thank my distinguished colleague from Maine, again, for her steadfast support and advice throughout this entire process today, tomorrow, and well into the future.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am very pleased to join with the distinguished senior Senator from Virginia—a former chairman of the Senate Armed Services Committee, an individual who has devoted his life to the support of our military—in offering, along with a number of our colleagues, this very important resolution as an amendment to the continuing resolution. There are many differing views in this body on the road ahead in Iraq, and those views are legitimate but they deserve to be debated. There is no more pressing issue facing this country than Iraq. The public is disappointed to see the Senate avoid the debate on the most important issue of our day. The current stalemate is unacceptable. It is unacceptable to the American people. Regardless of our views on the appropriate strategy for Iraq, we have an obligation, we have a duty as Senators to fully debate this issue and to go on record on what we believe to be the appropriate strategy, the road ahead in Iraq.

I am very disappointed that the procedural wrangling on both sides of the aisle prevented that kind of full and fair debate last week. I believed strongly that we should go ahead with that debate, and I am sorry that did not occur. I hope our leaders on both sides of the aisle will work together to come up with a fair approach to debate this most important issue.

Just this last weekend, the State of Maine lost another soldier in combat in Iraq. The American people deserve to know where each and every one of us stands on the President's strategy, on whether to cut off funding, on the important issues related to this very pressing issue. There are legitimate arguments on both sides. There are those who agree with my position that a surge of 21,500 troops would be a mistake. There are those who believe that the surge is the right course to follow. I respect the views of Senators on both sides of the aisle and, indeed, this is not a partisan issue. But surely—surely this is an issue that deserves our full debate in the best traditions of this historic body. Surely—surely our constituents deserve to know where we stand.

I think this is so important that nothing should prevent us from going to this debate prior to our recessing. I think we should make this so important that if it is not done, perhaps we should reconsider our plans for next week. I think we should proceed with this most important debate without further delay. There are a number of worthwhile resolutions that have been brought forward. Let the debate begin.

Finally, I want to add just a couple of comments to those made by the distinguished Senator from Virginia and the distinguished Senator from Nebraska, and that is about the importance of these resolutions. They are by no means unprecedented, as both of my colleagues have so articulately pointed out. They offer guidance to the administration. It remains my hope that if the Senate passes the resolution that I have helped to coauthor that the President will accept our invitation to take a second look at his plan. We urge him to explore all alternatives and to work with us on a bipartisan strategy to chart a new road ahead in Iraq.

As a result of my trip to Iraq in December, I concluded that we face a number of different challenges in Iraq and the strategy depends on where you are in Iraq. In Baghdad, the capital is engulfed in sectarian violence. Yes, Baghdad is in the midst of a civil war between the Shiites and the Sunnis. To insert more American soldiers in the midst of this sectarian struggle would, in my judgment, be a major mistake. Only the Iraqis can devise a solution to the sectarian strife that is gripping Baghdad, and I think if the Iraqis had taken the long overdue political steps, if they more fully integrated the Sunni minority into the power structures, if they had passed an oil revenue bill that more equitably distributed oil revenues, if they had held the long overdue provincial elections, we would not be in the crisis in which we are today.

Indeed, that is not just my opinion, that was the opinion of General Petraeus when I asked him that question during his nomination hearing before the Armed Services Committee.

By contrast to the sectarian strife that is plaguing Baghdad, the battle is

very different in Anbar Province to the west. There the fight is with al-Qaida and with foreign jihadists, and there and only there did I hear an American commander ask for more troops—only in Anbar Province—and he did so in order to capitalize on a recent positive development in which some of the local Sunni tribal leaders are now backing the coalition forces against al-Qaida.

My conclusion is that we do need more troops in Anbar, but we should reallocate from troops already in the country. I personally would choose to take troops out of Baghdad and send them west, to Anbar Province, and put the Iraqis in charge, fully in charge of security in Baghdad. I fear that by inserting thousands of additional troops into the midst of the sectarian strife in Baghdad, ironically we will ease the pressure on the Iraqi leaders to take the long-overdue steps to quell the sectarian violence, for I am convinced that the sectarian violence in Baghdad requires a political, not a military, solution.

In Basra, the third stop on our trip, I heard a British commander, a British colonel, give an excellent presentation to us. He said that initially the British and American troops were welcomed in Iraq, but as time has gone on, what he called the consent line has declined and their presence has been less and less tolerated and more and more resented.

I think perhaps the only issue on which all Members of this body can agree is that our troops have served nobly and well in Iraq, and that we need a new strategy. We disagree on the road ahead, but that is what democracy and the traditions of the Senate are all about. We should not be afraid of this debate. We should debate this issue fully and openly and let our constituents and the administration know exactly where the Senate stands.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague. I wonder if I could ask our colleague a question before she departs? She made reference to her trip and the discussions that she had with the senior commanders. I would like to bring to her attention testimony that came before our committee, of which the distinguished Senator from Maine is a member, at which time we heard from the Commander of the United States Central Command, General Abizaid.

In the course of his testimony to Congress on November 15, 2006—right in the timeframe the Senator made her trip—I will quote him, General Abizaid. The general said:

I met with every divisional commander, General Casey, Corps Commander, and General Dempsey—we all talked together. And I said, "In your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?" And they all said no. And the reason is because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that

more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

I say to my colleague, that quote captured my own visit, which was just barely a month before that, when I came back and I described in my public comments that the situation in Iraq was drifting sideways.

That was a very serious summary. But I said it because I felt obligated to our troops who were fighting bravely and courageously and with a level of professionalism that equals the finest hour in the 200-plus-year history of our military—and the support their families give them. I felt ever so strongly that we were obligated as a country to reexamine our strategy and I called for that reexamination of strategy and it has been done.

But I say to my colleague, General Abizaid's summary about the need for more forces, does that not summarize what you learned on your trip?

Ms. COLLINS. Mr. President, if I may respond to the Senator from Virginia, I remember very well General Abizaid's testimony before the Armed Services Committee in mid-November. And as the Senator has pointed out—and he presided over that hearing—it could not have been clearer General Abizaid said that he consulted with all the American commanders and that the effect of bringing in more American troops would be to relieve the pressure on the Iraqis to step up and take control of the security themselves.

Indeed, and ironically, General Petraeus, the new commander in Iraq, had written an article for the *Military Review* in January of 2006 in which he said that one of the lessons from his tours of duty in Iraq was that you should not do too much, that you should call upon the Iraqis to take responsibility for themselves. Indeed, my experience was just as the Senator's was. About a month after General Abizaid's testimony, I was in Iraq. I talked with the commanders on the ground, and I would like to share with the senior Senator what one American commander told me.

He said that a jobs program for Iraqis would do more good to quell the sectarian violence than the addition of more American troops. He told me that some Iraqi men are so desperate for money because they have been unemployed for so long that they are joining the Shiite militias. They are planting roadside bombs simply for the money because they are desperate.

I thought that was such a telling comment, I say to my distinguished colleague, because this was from a very experienced commander who had been in Iraq for a long time. At that moment he was not calling for more troops. None of the American commanders with whom I talked in Baghdad called for more troops. The only place where we heard a request for more troops was in Anbar Province, and as I have explained, the situation

in Anbar is totally different. It is not sectarian violence. The violence is with al-Qaida, the foreign jihadists, mainly Sunni versus Sunni, and it requires a different strategy.

So my experience, when added to the distinguished Senator's, shows a consistent pattern. Whether it was the distinguished Senator's trip in October or the testimony of General Abizaid in November or my journey in December, we heard exactly the same themes, exactly the same answers to the questions of whether we needed more troops.

Finally, let me say I went to Iraq with a completely open mind on this issue, and I came back convinced that sending more troops to Baghdad would be a colossal error.

Mr. WARNER. Mr. President, I thank our colleague. I wonder if at this point in the colloquy—and then I will yield the floor because I know other Senators are anxious to speak—but we, the United States, the military, and the taxpayers have trained and equipped over 300,000 Iraqi security forces composed of the professional Army, police, border security, and a group of others. The thrust of our resolution originally, and this one that is here, the amendment which is identical, was to give the Iraqis this opportunity, which the Prime Minister himself called for. He said: Give us the opportunity to show that we can do this operation.

That is the basis on which we drew up the resolution. And in our resolution we said two things: The responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi security forces. Then, specifically we said in the conclusion: The United States military operations should, as much as possible, be confined to the goals that are enumerated in the previous paragraph and should charge—I repeat—charge the Iraqi military with the primary mission of combating sectarian violence, and that is in the Baghdad operation.

So I think those facts, our resolution, now referred to as an amendment, absolutely parallels what we learned firsthand on our trips into that region.

Mr. President, I see other Senators are waiting. I see the distinguished senior Senator from Maine, Ms. SNOWE.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, first, I want to commend the senior Senator from Virginia, Senator WARNER, for his unparalleled leadership, because it is borne of a tremendous credibility based on his military and professional experience on these vital issues, and that precise credibility lends the kind of expertise to the Senate, to the Congress, and to our Nation that is so vital at this point in time. But I think in the final analysis, it is something we have to honor as we consider the most consequential issue of our time.

I am very pleased the Senator has offered an amendment that reflects his

resolution that was modified and that was supported by both sides of the political aisle. I am pleased to join my colleague from Nebraska, Senator HAGEL, and my colleague from Maine, Senator COLLINS, because this is a critical issue. It is one of the issues that is the most significant of our time.

As we begin this week, it is regrettable we don't have the Iraq debate before the floor of the Senate in the form of considering a resolution. Tomorrow, the House of Representatives is going to proceed. They are going to proceed to debate a resolution in opposition to the troop surge proposed by the President of the United States. They will have that debate this week. The question is when and if the Senate is going to have that debate on a specific resolution, on specific issues, with specific votes.

Unfortunately, what we are witnessing today is the shrinking role of the Senate when it comes to the war in Iraq, a war that has been ongoing for 4 years. I am dismayed because I don't see any evidence. I don't see any evidence of working on a bipartisan basis to coalesce around an issue and on a position where it has been demonstrated there is a majority of support in the Senate to have negotiations, to have consultation, to work it out. I don't see any evidence of that. Have we come to the point in the Senate where we haven't been able to determine procedurally how to move forward on a nonbinding resolution? It is hard to believe the Senate would be marginalized on that point.

Now I am speaking from experience. This is my 13th year in the Senate—my 13th year. I served in the House of Representatives for 16 years. I served for more than 20 years—I think about 24 years—on Foreign Affairs, Foreign Relations, Armed Services, and currently the Intelligence Committee. So I speak from experience. You have to work across the political aisle. And there wasn't a time when we didn't discuss these issues: Lebanon, Persian Gulf, Panama before the Persian Gulf. We had Bosnia and Kosovo. We were able to work it out. The fact is I well recall a statement I had drafted back in 2000 illustrating examples of bipartisanship here on the floor of the Senate, one of which I said about the Senator from Virginia, Senator WARNER, in working across the aisle with the Senator from West Virginia, Mr. BYRD, on the issue of Kosovo.

That has been the hallmark of the Senate. Does it mean that we disagree on a major issue of our time? No. There are differences of opinion, but what is the Senate afraid of? What are we afraid of? To debate and to vote on various positions, whether it is on our position on the troop surge, whether it is on the position of cutting out funding, the troop gaps, a new authorization? Some of those issues and positions I would disagree with. But does that mean to say the Senate cannot withstand the conflicting views of various

Members of the Senate? It is not unheard of, that both sides of the political aisle will have differing views.

I came to this debate a few weeks ago when we were getting prepared ostensibly to work on this issue, to debate, which is consistent with the traditions and principles of this institution, which has been its hallmark. That is why it has been considered the greatest deliberative body in the world. Unfortunately, it is not living up to that expectation or characterization, regrettably. But I joined with the Senator from Nebraska in his effort across the aisle with the chairman of the Foreign Relations Committee and the chairman of the Senate Armed Services Committee because I wanted to send a message that here and now, there will be those of us on this side of the aisle who disagree with the President on the troop surge. So I wanted to send that message. I read the resolution. I know there are some on this side of the aisle who didn't accept that language. But I thought it was important to do that. I cosponsored that resolution.

We had many meetings, as the Senator from Nebraska would note, with Chairman BIDEN and Chairman LEVIN, to work through this issue: how we could work with the Senator from Virginia, because we knew we had a majority on both sides of the aisle that could work it out, who were opposed to the troop surge. So how is it we couldn't get from here to there? And we met in good faith to negotiate, working out even the procedures. We agreed: Let's have an open, unfettered, unrestricted debate, which is consistent with this institution that is predicated on our Founding Fathers' vision of an institution based on accommodation and consensus. You have to get 60 votes. So we said: Let's work it out, and the good Senator from Virginia worked it out. He incorporated our concerns in his modified resolution so we could enjoin our efforts.

Now, it is not surprising on this side of the aisle that there are strong views that support the President, that don't believe we should have a vote. But does that mean to say we can't move forward and the House of Representatives can? So the House of Representatives is going to be debating this issue this week, and the Senate is going to be dithering. While our troops are on the front lines, the Senate is sitting on the sidelines.

I am amazed we have reached this point in the Senate. We should be embracing this moment. We are the voice of the American people. Constitutional democracy is predicated on majority rule, but a respect for minority rights. I don't see any ongoing negotiations and discussions. Maybe I missed something. I don't see that happening across the political aisle. If historically we took the position: You missed your chance, that you missed your chance with a vote—2 weeks ago—you mean that is it in the Senate? How did we pass major pieces of legislation, major

initiatives without saying: That is it; there is no room for discussion, there is no room for negotiation, there is no room for compromise.

Oftentimes I am challenged on this side because I work so much across the political aisle. Senator HAGEL did the same thing, as did Senator WARNER. We worked across the political aisle to make it work. But I do not see that mutual trust to say: Let's see how we can move forward on the most profound issue of our time. It is unimaginable that we cannot develop a strategy for deliberating on this most consequential issue.

We are expecting to adjourn next week for a recess. I thought to myself: Why? Why, so we will get back to Iraq before we know it? That is what we have heard: Just wait. The troop surge isn't going to wait. The Iraqi war doesn't take a recess. Our men and women aren't taking a recess. Why can't we debate now and vote on these issues? Are we saying we are simply not capable of talking?

That is what the Senate is all about. It is based on consensus. It is based on compromise. It is based on conciliation. It is based on the fact that you have to develop cooperation in order to get anything done. It is not unusual. If historically we took the position: You missed your chance because there are disparate views, so that there would be no opportunity to further discuss or negotiate—we missed our chance? Are we talking about scoring political points? Are we talking about what is the best policy for this country with respect to Iraq at a time when men and women are on the front lines; at a time when the President is proposing a troop surge which I and others joined with Senator WARNER because we oppose that; at a time in which we are almost a year to the anniversary of the bombing of the Golden Mosque in Samarra?

In fact, Senator WARNER and I paid a visit just days after that, the first congressional delegation, and we saw all the manifestations of what exists today in the most pronounced way. And we are saying we can't get it done in the Senate. Is this about scoring political points? I read every day: Who is winning politically? Because that is what it is about. It is about winning politically on a policy with respect to Iraq where we have been mired for 4 years with a strategy that hasn't been working. And we are saying, who is winning politically? Isn't it about Iraq? Isn't it about our men and women? Isn't it about what is in the best interests for this country?

We have given so much. Our men and women have sacrificed immeasurably. As Senator COLLINS indicated, we lost another from Maine this weekend, SGT Eric Ross, 26. These men and women have put themselves on the frontlines. Yet we sit and hesitate to talk about what is in their best interests. Some say it is a nonbinding resolution that has no impact. I daresay, if it doesn't

have any impact, then why is it we are not voting? What has a greater resonance in America? Is it silence or is it taking action on the most consequential issue of our time? I can only imagine, if we had an overwhelming bipartisan vote on Senator WARNER's resolution—that is bipartisan, I might add—because those Members strove to make it bipartisan in the Senate, many strive to do that, so we can send a message that would be profound, that would resonate. To have a strong vote in the Senate or silence, which would have greater resonance? I think we know the answer to this question.

I am concerned we are taking a political U-turn away from the message in the last election. I was in that last election. I heard loudly and clearly. I don't blame the people of Maine or across this country for their deep-seated frustration. They are right. There was too much partisanship and too much polarization.

What we need now is leadership. We need leadership for this country. They are thirsting for a strong leadership, an honorable leadership that leads us to a common goal. No one expected unanimity in the Senate but we would give integrity to this process to allow it to work and not cynically say who is winning and who is losing today politically, so we have 30-second ads that will be run by outside groups or we are seeing them now. We are not shedding the political past. We have made a political U-turn. We are returning to it.

This isn't about party labels. This isn't whether it is good for Republicans or good for Democrats. It is what is good for America. It is not about red States and blue States. It is about the red, white, and blue.

I am dismayed we are the second month into a new Congress, after the American people resoundingly repudiated the politics of the past, the partisanship and polarization, creating a poisonous environment. They repudiated all of that. Here we are, back to the same old approach. Instead of giving confidence to the American people that we will speak, we are their voice, we give voice to their fears and to their hopes, to their concerns that they rightfully have because we are not making the kind of progress, we are moving in a different direction on Iraq that obviously has been exemplified by the continuing and ongoing sectarian warfare.

Fifteen months ago when Senator WARNER came to the Senate and offered a resolution, 2006 was going to be the year of transition to Iraqi sovereignty. It was 2006 when we would turn over all the security to the Iraqi security forces. But 2006 has come and gone. We haven't made any measurable progress.

As I said, when I was there a year ago, we saw the manifestations of the sectarian warfare, a vacuum had been created politically because no new central government had been created. That took months. We allowed that

vacuum to continue. We got a new government. Yet they have been hesitant—indeed, they have been an impediment—to quelling the sectarian violence and confronting and demobilizing the militias.

I heard a year ago about the graft and corruption that was running rampant in the ministries, as we saw recently with the Deputy Minister of Health funneling money to support the sectarian violence and the militias. We have seen and we have known all of that.

So Senator WARNER got that resolution passed. We united around him. In June of 2006, we passed a resolution as well that called for a regional conference so we would begin the diplomatic offensive the Iraq Study Group spoke to. But that has been ignored as well. I know the administration has had a number of strategies in Iraq. They had the national strategy for victory that was also 15 months old, that represented all the issues Senator WARNER has embraced in his resolution, to which they only paid lip service, regrettably.

So we are here today. We want to give voice to the concerns of the American people who want us to move in a different direction, not to commit additional troops at a time in which we have a government in Iraq that hasn't demonstrated a measurable commitment to controlling the sectarian violence and make the political changes within its Government that demonstrate a good-faith effort—whether it is the oil revenue-sharing distribution money, the provincial elections and, as I said, the demobilization of the militias; in fact, impeding our efforts to capture people who were responsible for some of the genocide and the warfare. But here we are.

I hope we can find a way. What could be of higher priority than to be able to debate and to vote on our respective positions, to give a vote on the Warner resolution that is so important that a majority of Senators support? I know we can build the threshold for the 60. It is imperative we do it. It is inexcusable, frankly, that on the process for debating, we cannot reach an agreement. We are failing the American people on a colossal scale. We are held up by arcane procedural measures that could be worked out, if only we reached across the political aisle.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Maine.

The PRESIDING OFFICER. The Senator's 60 minutes has been expired.

Mr. WARNER. I ask for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Senator from Maine. The Senator mentioned the bipartisan spirit. I am very pleased to state that Senator LEVIN, whom I spoke with this afternoon, Senator BEN NELSON, who has been with us steadily on this, and Senator BIDEN allowed with very extensive enthusiasm to

have their names attached as cosponsors.

I thank my colleagues who have come over and participated in this debate and others who have listened. I thank the distinguished Senator, my good friend from Nebraska, for working so hard on this amendment. We will fight on.

We may be idealists, but we will fight on for what we believe in and the integrity of this institution because we firmly believe, to the extent we can, forging a bipartisan consensus is the extent to which we can hopefully regain the full confidence of the American people on what we are doing in Iraq.

I agree with the President, we should not let it slip into a chaotic situation, but we do have some different constructive thoughts as to our strategy ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### CONTINUING RESOLUTION

Mrs. MURRAY. Mr. President, I come to the Senate to talk about my strong support of the House Joint Resolution 20 that is the joint funding resolution for the current fiscal year we are considering this week.

I am very concerned because we are fast approaching the wire on getting this important resolution passed. If we don't pass this bipartisan bill, the safety of American citizens could be put in danger. If this bill is not passed this week, our air traffic controllers will be furloughed. Our air safety inspectors will be furloughed. If we don't pass this bipartisan bill in the next several days, we are going to see a decline in our ability to provide railroad inspections, pipeline safety inspections, and truck safety inspections.

As chair of the Subcommittee on Transportation and Housing on Appropriations, I am very concerned. I am here to talk about some of the consequences if we don't get our work done on the CR this week. We are going to be feeling the consequences in the area of housing. If we don't pass this bill, hundreds of thousands of Americans are going to face a housing crisis.

Mr. President, 157,000 low-income people could lose their housing if we don't get this bill passed in the next several days; 70,000 could lose their housing vouchers; 11,500 units that are housing the homeless could be lost. Those are some of the consequences Americans will face under my jurisdiction if this Congress fails to pass the joint funding resolution in the next few days.

But don't take my word for it. Last Thursday, I held a hearing with President Bush's very able Secretary of Transportation, Mary Peters. Secretary Peters is not a newcomer to transportation. She has spent her entire career working to ensure safety and execute infrastructure projects,

largely in her home State of Arizona, but she also served as the Federal Highway Administrator.

Secretary Peters told us last week, in very clear terms, how safety would be affected if we failed to pass this joint funding resolution. I share her exact words from a few days ago. Secretary Peters told the Senate:

[I]f we were funded at the '06 levels . . . it would have drastic consequences, not only at the FAA, but as you mentioned with our other safety programs, such as our rail safety programs, our truck inspection programs and of course the air traffic controllers and inspectors at maintenance facilities for the aviation community.

The Bush administration's Transportation Secretary is warning of drastic consequences if we fail to pass this continuing resolution. I am here tonight to talk about some of those consequences. I asked Secretary Peters what it would mean for safety and what it would mean for hiring if Congress doesn't pass this joint funding resolution. President Bush's Secretary of Transportation said:

[W]e will see a serious decline in the number of safety inspectors: Truck safety inspectors, rail safety inspectors, aviation inspectors across the broad range in our program.

That is directly from the President's Transportation Secretary.

I don't think any Senator wants to be responsible for voting for a serious decline in the number of truck safety inspectors, rail safety inspectors or aviation space. I don't think Members want to explain to our constituents we voted to undermine their safety as they travel by car, train or plane. Let me be clear: No one can say Members didn't know how your vote would hurt a State because we have very clear warnings from the Transportation Secretary herself.

The first reason we need to pass this joint funding resolution is to keep our critical safety inspectors on the job, protecting the American people, as they are doing today. We also need to pass a joint funding resolution because, without it, States will not be able to address their most pressing highway, bridge, and road problems. In fact, Secretary Peters also warned us that some States could miss an entire construction season if Congress does not enact this bill.

She said that State transportation commissioners need to know how money will be available to them this year. So she said to us last week at the hearing:

It is especially important to those states who have a construction season that will be upon us very, very shortly and if they are not able to know that this funding is coming and be able to let contracts, accordingly, we could easily miss an entire construction season.

That is what this joint funding resolution is about. Let me be very clear. Your constituents, my constituents, all of our constituents will feel the impact of our vote on roads that are not fixed or roads that remain clogged or congested or unsafe.

Those are a few of the safety consequences if we fail to pass the bipartisan joint funding resolution in the next several days. The failure to pass H.J. Res. 20 will also have a painful impact on housing for hundreds of thousands of Americans. In this bipartisan bill, we worked very hard to make sure vulnerable families would not be thrown on the streets or face out-of-reach rent increases.

We provided some critical support for section 8, homeless assistance grants, housing equity conversion loans, HOPE VI, and the Public Housing Operating Fund.

For Section 8 project-based assistance, this spending resolution we will be considering this week provides an increase of \$939 million over last year's fiscal year 2006 level. It provides \$300 million over the President's 2007 budget request. This is essential, I want my colleagues to know, to preserve affordable housing for 157,000 low-income households. Without this increase, without us acting in the next several days, many of these low-income residents are going to become homeless or be displaced or face unaffordable rent increases.

For section 8 tenant-based assistance, this spending resolution provides an increase of \$502 million, equal to the President's 2007 budget request, to continue to renew expiring vouchers. Without this increase, without us acting in the next several days, more than 70,000 housing vouchers are going to be lost. That means residents may become homeless or displaced or forced into overcrowded housing.

For homeless assistance grants, this funding resolution we are considering provides an increase of \$115 million to meet expiring contracts for homeless individuals and their families. Without this increase, without us acting in the next several days, as many as 11,500 units will not be renewed—not be renewed—forcing these homeless individuals and families back onto the street.

The joint resolution also helps thousands of seniors to stay in their homes because it supports the housing equity conversion loans. Currently, 90 percent of all reverse mortgages for the elderly fall under this guarantee program. Without this language, this popular program will shut down, and it will hurt the ability of thousands of elderly individuals and couples to remain in their homes and pay for critical living expenses.

The joint resolution we are considering this week also extends the authorization for the HOPE VI Program, which is helping us across the country knock down the most deteriorated public housing units and replace them with new, safe housing units for families. If this funding resolution is not adopted this week, not a single dollar will go out for this popular program for the rest of this year.

Finally, this resolution will help housing authorities meet their soaring expenses. This resolution supports the

Public Housing Operating Fund. It provides an increase of \$300 million over the 2006 level to meet the tremendous shortfalls being faced by our public housing authorities when it comes to meeting things such as increased energy costs and providing necessary security to help them prevent crime. Recently, more than 700 public housing authorities have announced layoffs. According to HUD, without this increase—without this resolution—public housing authorities will receive only 76 percent of their true operating needs in this fiscal year. So the consequences will be severe for very vulnerable families if this Congress fails to pass the joint funding resolution by this Thursday.

Mr. President, I want to step back for a minute and share how we developed this bipartisan bill we are considering and how we worked to make sure those critical needs are met.

Today, every agency in the Federal Government, with the exception of the Departments of Defense and Homeland Security, are operating under what is called a continuing resolution. That freezes almost every Federal program at last year's level. If a program is not frozen at last year's level, it is operating at a level consistent with the cuts that were adopted by the House of Representatives last year. So at present, almost all of our Federal agencies are operating under a funding formula that makes no accommodations for the true needs of our agencies or the true needs of the American people. What that means is we are not addressing critical education needs, health care needs, the needs of our veterans,

the needs of law enforcement, transportation, housing—you name it.

The current continuing resolution expires this Thursday, February 15. The time has now come for us in this Congress to finally stand up to our responsibility and implement a spending bill that will meet the needs of the American people. And that bill will be in front of us this week. It is H.J. Res. 20. That bill passed the House of Representatives by more than a 2-to-1 margin. The time has now come for us in the Senate to finally fulfill our responsibility.

H.J. Res. 20 was developed by both the House and the Senate Appropriations Committees on a bipartisan basis. The joint funding resolution, for the most part, freezes programs across the Government at their 2006 funding level. Importantly, however, the bill also makes necessary funding adjustments to deal with critical programs that cannot and should not endure a funding freeze.

In the case of the Transportation Department, we were not about to ignore our responsibility to ensure safety in our skies or on our highways or on our railways. This bill provides funding increases totaling more than a quarter billion dollars to ensure there are adequate numbers of personnel to control air traffic—control air traffic, critical to all of the American flying public. It also provides funds to make sure we inspect and enforce safety rules governing our commercial airliners, trucks, railroads, and pipelines. Without this additional funding—if we do not pass the CR this week—the FAA Administrator told us that she would

be required to put every air traffic controller and every aviation inspector on the street for 2 weeks without pay between now and the end of September.

The joint funding resolution before us this week also boosts funding for Amtrak to \$1.3 billion. Operating under the current continuing resolution, Amtrak's funding would remain \$200 million lower than it was last year. If we do not pass this funding resolution which is before us, we will endanger our passenger rail service across the country, as well as the annual maintenance expenses that must be made to ensure safe operations in the Northeast corridor.

Finally, the bill pending before the Senate provides an additional \$3.75 billion in formula funding for our Nation's highway and transit systems. That funding will serve to create almost 160,000 new jobs while alleviating congestion. It is an important infusion of cash to our States to help them address their most pressing bridge replacements, highway widenings, and safety enhancements. When you look at all the highway needs across just my home State of Washington, that additional \$71 million our State will receive is urgently needed and will be put to work right away.

Mr. President, I ask unanimous consent that a table provided to me by the Federal Highway Administration that displays the highway funding increases that will be enjoyed by each and every State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION  
COMPARISON OF ACTUAL FY 2006 OBLIGATION LIMITATION AND ESTIMATED FY 2007 OBLIGATION LIMITATION INCLUDING REVENUE ALIGNED BUDGET AUTHORITY  
(Including take downs for NHTSA Operations and Research)

STATE	ACTUAL FY 2006 OBLIGATION LIMITATION	ESTIMATED FY 2007	DELTA
ALABAMA	535,056,170	600,869,788	65,813,618
ALASKA	228,288,252	270,731,918	42,443,666
ARIZONA	499,506,758	593,277,405	93,770,647
ARKANSAS	330,837,555	381,949,909	51,112,354
CALIFORNIA	2,381,267,388	2,680,526,468	299,259,080
COLORADO	338,198,419	400,663,892	62,465,473
CONNECTICUT	376,937,736	402,325,874	25,388,138
DELAWARE	104,178,113	121,131,724	16,953,611
DISTRICT OF COLUMBIA	112,407,878	123,804,359	11,396,481
FLORIDA	1,289,559,918	1,544,927,499	255,367,581
GEORGIA	940,654,903	1,067,010,791	126,355,888
HAWAII	120,644,520	127,596,268	6,951,748
IDAHO	197,536,278	222,829,360	25,293,082
ILLINOIS	898,006,320	1,010,811,302	112,804,982
INDIANA	661,150,145	775,353,318	114,203,173
IOWA	288,499,793	330,589,700	42,089,907
KANSAS	292,376,091	309,772,956	17,396,865
KENTUCKY	460,544,276	520,949,132	60,404,856
LOUISIANA	404,683,450	474,862,364	70,178,914
MAINE	128,192,073	136,355,671	8,163,598
MARYLAND	418,246,584	490,032,577	71,785,993
MASSACHUSETTS	466,003,994	501,926,732	35,922,738
MICHIGAN	828,533,266	909,761,902	81,228,636
MINNESOTA	425,664,013	485,442,279	59,778,266
MISSISSIPPI	310,973,491	367,059,847	56,086,356
MISSOURI	618,465,606	711,268,494	92,802,888
MONTANA	255,215,718	287,386,573	32,170,855
NEBRASKA	197,252,237	223,867,736	26,615,499
NEVADA	172,076,917	210,350,302	38,273,385
NEW HAMPSHIRE	130,407,725	137,769,576	7,361,851
NEW JERSEY	695,744,922	822,265,394	126,520,472
NEW MEXICO	250,952,902	290,194,749	39,241,847
NEW YORK	1,292,715,319	1,366,155,757	73,440,438
NORTH CAROLINA	755,312,308	872,183,722	116,871,414
NORTH DAKOTA	166,994,190	189,098,718	22,104,528
OHIO	951,965,833	1,109,710,100	157,744,267
OKLAHOMA	413,931,430	459,904,524	45,973,094
OREGON	299,292,210	347,410,836	48,118,626
PENNSYLVANIA	1,287,067,418	1,357,719,130	70,651,712
RHODE ISLAND	134,484,666	154,154,462	19,669,796
SOUTH CAROLINA	424,589,865	511,384,433	86,794,568



U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—Continued  
 COMPARISON OF ACTUAL FY 2006 OBLIGATION LIMITATION AND ESTIMATED FY 2007 OBLIGATION LIMITATION INCLUDING REVENUE ALIGNED BUDGET AUTHORITY  
 (Including take downs for NHTSA Operations and Research)

STATE	ACTUAL FY 2006 OBLIGATION LIMITATION	ESTIMATED FY 2007	DELTA
SOUTH DAKOTA .....	174,696,675	202,845,805	28,149,130
TENNESSEE .....	572,103,666	672,761,834	100,658,168
TEXAS .....	2,183,334,526	2,574,558,747	391,224,221
UTAH .....	190,146,092	220,645,255	30,499,163
VERMONT .....	115,678,528	129,379,891	13,701,363
VIRGINIA .....	697,407,933	830,852,486	133,444,553
WASHINGTON .....	448,545,807	519,595,013	71,049,206
WEST VIRGINIA .....	285,867,458	325,592,845	39,725,387
WISCONSIN .....	520,781,728	586,036,437	65,254,709
WYOMING .....	174,357,693	207,256,184	32,898,491
SUBTOTAL .....	26,447,336,756	30,170,912,038	3,723,575,282
ALLOCATED PROGRAMS .....	9,103,451,278	8,794,320,215	-309,131,063
TOTAL .....	35,550,788,034	38,965,232,253	3,414,444,219

AMOUNTS INCLUDE FORMULA LIMITATION, SPECIAL LIMITATION FOR EQUITY BONUS AND APPALACHIA DEVELOPMENT HIGHWAY SYSTEM. AMOUNTS EXCLUDE EXEMPT EQUITY BONUS AND EMERGENCY RELIEF.  
 ALLOCATED PROGRAMS AMOUNT REFLECT NHTSA TRANSFER OF \$121M.

Mrs. MURRAY. I understand some of our colleagues have apparently suggested we should not adopt this new joint funding resolution. Instead, they have advocated we simply just extend the current existing CR for the remainder of this year. Well, they are saying we should forgo these desperately needed funds for our highways and transit. They are saying we should allow the FAA to furlough all its safety personnel for 2 weeks. They are saying we should allow our aviation, truck, railroad, and pipeline inspection workforce to dwindle.

If we want to keep our air traffic controllers on the job, we have to pass this bill. If we want to keep our air safety inspectors on the job, we need to pass this bill. If we want to keep highway, pipeline, and truck inspections on track, we need to pass this bill. If we want to help our States address their most urgent bridge, road, and highway problems, we have to pass this bill. And if we want to keep our vulnerable families from losing their housing, we have to pass this bill.

The consequences are very high. That is why I came to the floor this evening, to outline to my colleagues, under just my jurisdiction, on the transportation and housing bill, how important this joint funding resolution is and to urge my colleagues to help us move it through this week by the Thursday deadline.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from New Mexico.

Mr. DOMENICI. Madam President, am I correct, I was scheduled to speak next?

The PRESIDING OFFICER. That is correct. Under the previous order, a Republican Senator, the Senator from New Mexico, is now recognized for 10 minutes.

Mr. DOMENICI. Madam President, I want to ask, does the Senator want to speak for a short time?

Mrs. MCCASKILL. Go ahead.

Mr. DOMENICI. The Senator does not mind listening. I thank her so much. I would have yielded, if she had a short speech.

Madam President, I ask unanimous consent that whatever time I had be extended, if necessary, to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ENERGY POLICY ACT OF 2005

Mr. DOMENICI. Madam President, I rise to speak about the great success of the Energy Policy Act of 2005. I recall when we passed the bill, you, Madam President, and everyone else were, in the well, very happy and joyous that we passed—after 15 or 20 years without one—a major energy bill. And then, right away, the next year, people wanted another energy bill. Now, this year, they want another one.

I would like to tell the Senate why the bill we have is doing so much good and how and why there is still room to try to implement it and, in doing that, to do it a lot more without a new bill. We need a bill to cover some things we did not cover, but I would like to end this, with people understanding this bill provides many things we have not done and many things that have been very successful.

First, I urge policy makers in the administration and Congress to commit themselves to investing time, energy, and economic resources to fully implement this important act. We must achieve all we envisioned in passing this comprehensive energy policy.

This past week marked the 18-month anniversary of the enactment of the Energy Policy Act. I rise today to speak about the gains we have made in strengthening our Nation's energy security and the even greater promise that lies ahead.

On August 8, 2005, the President of the United States signed the Energy Policy Act of 2005 in my home State of New Mexico. This legislation is the catalyst of our Nation's nuclear renaissance and the driving force behind new investments in clean coal technology. Passage of the Energy bill also marks the genesis of a secure American electricity grid and the transformation of an agricultural enterprise into an energy industry.

This act has helped strengthen our energy security, stimulate our economy, create American jobs, and diversify our Nation's fuel supply. Simply put, since the passage of the Energy bill, America is on the move. We are starting up a renewable fuels industry in America through the first ever renewable fuels standard and a production tax credit. These policies have helped create approximately 160,000 American jobs across almost all sectors of our Nation's economy.

In the last 18 months, 73 new ethanol plants have broken ground, spurring us to exceed the biofuel mandate for 2006 by at least 800 million gallons. As a result of the Energy bill, 759 E85 ethanol pumps have been installed around the country. Today, there are over 6 million alternative-fuel vehicles on the road.

I stand here today to tell you that even more can be done. I am pleased President Bush and my colleagues on both sides of the aisle have committed to an even stronger, more robust biofuels policy. The President spoke of it. We are all interested in enforcing it and seeing it is done in the biomass area. We will work together on this important energy issue. Chairman BINGAMAN of the Energy Committee and I, as ranking member, will build on our Energy bill success.

Because of the Energy Policy Act, we are making significant breakthroughs in coal—America's most abundant and affordable energy resource. Because of the clean coal provisions in the legislation, there are 159 new coal-based facilities in various planning stages.

Over the next 5 years, the United States will add an estimated 60,000 coal miners to the American workforce. The Energy bill will accelerate the development of a new generation of clean coal technologies. Because of title XIII of the Energy bill, the administration has appropriately and recently announced that it would award \$1 billion in tax credits for clean coal projects such as IGCC projects for electricity generation, gasification projects, and other projects using innovative technologies. With \$650 million in tax credits to

come next year, we are providing incentives for the American people to make better choices about the kind of energy we will use. And because of the Energy bill, those choices will be clean energy choices.

Today, 50 percent of our Nation's electricity comes from coal, and the EIA estimates that by 2025, 54 percent of electricity consumed will be generated from coal. In China, they are building a coal-fired powerplant every 10 days. Let it be our mission to invest both the human and capital resources to the goal of zero-emission, coal-based power generation.

Having made the statement about China, let me hope that we will find a way to negotiate with China so that they, too, will begin to be concerned about what they are generating and begin some mutual programs of restraint. Wouldn't that be good news for the world? Let us dedicate ourselves to choosing a free-market, incentive approach rather than a punitive, regulatory approach to solving this global problem.

On nuclear energy, what did we do? In advancing nuclear power, Congress affirmed sound science and technology and rejected irrational fear. By doing this, we strengthened the nuclear renaissance in America. We provided Federal risk insurance for the first six nuclear reactors, production tax credits, and loan guarantees, and we renewed the Price-Anderson Act. All these initiatives and more provided evidence of our renewed support for clean nuclear power.

Until the passage of the Energy bill 18 months ago, the world was passing us by on nuclear power. The renaissance was fading. Then Congress acted. Since that time, as many as 32 new nuclear reactors are in the planning stages. These nuclear plants would provide enough electricity to power 29 million homes. If these plants come into fruition, they will displace 270 million metric tons of carbon dioxide each year.

Consider this: When all of those plants are operating for 5 years, it is estimated that they will have displaced the same amount of carbon emissions that the 230 million cars on the road in America today produce each year.

This is what is at stake as we implement the various provisions of the Energy Policy Act of 2005. We must do more to solve our growing nuclear waste problem, and we must do more to show Americans what the rest of the world already knows: nuclear power is the largest source of clean, carbon-free energy in the world. Advancing nuclear power is essential for our economic strength and environmental well-being. While we do it, we will not be able to stop using other kinds of energy. So the coal people need not worry. They will be used, too, because this great land needs both and more.

With the passage of the Energy Policy Act, we helped to stabilize long-term prices of natural gas by providing

the Federal Energy Regulatory Commission with the tools necessary to ensure the safe operation and reliability of our Nation's liquid natural gas assets. Since the passage of the Energy bill in August of 2005, FERC has approved seven new LNG terminals or terminal expansions. Working with private sector operators, FERC has brought on line the capacity equivalent of 1.34 billion cubic feet per day of natural gas, with the potential to increase that to 13.3 billion cubic feet per day. We must continue to look for ways domestically to find additional supplies of natural gas, as we did last year with the passage of the Gulf of Mexico Energy Security Act of 2006.

In passing the Energy Policy Act, we substantially advanced renewable sources of energy in America. By the end of 2007, 2 million American homes will be powered by wind as we bring on line 6,000 megawatts of new wind power this year, part of the \$4.5 billion in wind power investments spurred by the Energy bill. As a result of the wind power brought on line, we will displace 11 billion pounds of carbon dioxide annually.

And there is so much more that we did. We promoted a modernized electricity grid, invested in solar energy, tax provisions that helped add almost 340,000 hybrid vehicles, and the list goes on. I continue to look for more to be done. In this Congress, we all will focus our efforts on convincing colleagues and the American people that the solutions to our energy and environmental challenges lie in the genius of the American people. I will not support energy policies that burden the people with higher energy costs and undue regulations. I oppose the creation of additional unmanageable bureaucracy with its potential for punitive and burdensome regulations that harm the American worker. We will meet the challenge of providing clean, affordable, and abundant energy supplies in this Nation by facilitating and unlocking the ingenuity of the American people with more capital investment, more loans guaranteed for people with new ideas to build new things. That is what we did in the Energy Policy Act of 2005, and that is what we will continue to do, hopefully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### THE BUDGET

Mrs. MCCASKILL. Madam President, over the past week, I have taken a good look at the President's budget submission. I am new around here, and I will admit that the Federal budget is very complex. But as somebody who has spent the last years of my life as an auditor, I have come to one inescapable conclusion about the budget that has been presented to this Congress for consideration. First, it is not honest; second, it has the wrong priorities.

This budget reflects part of the problem we have; that is, our country is

facing incredible problems that are very difficult, and we want the American people to support us and believe in us. We cannot expect them to join us in a fight against these complex problems if we aren't going to begin the process by being honest with them. We cannot expect them to support what we do if we are not willing to tell them the complete and unvarnished truth about the situation we face in America today in terms of our budget.

The President claims with a straight face that this budget will eliminate the deficit by 2012. In fact, the President claims it will create a surplus in 2012. That sounds great. The problem is, it is not true. The numbers do not add up. First, he fails to include the full cost of the war in Iraq. In this budget, it says the war will only cost \$50 billion in 2009. Keep in mind that in this budget cycle, we will spend over \$240 billion on the war in Iraq. The confusing part to me about the \$50 billion is that it is a mystery. Why is this \$50 billion a mystery? It is a mystery because no one seems to know where the figure came from.

As a member of the Armed Services Committee, I had the opportunity to listen, as the Secretary of Defense and Chairman of the Joint Chiefs of Staff, and even the Comptroller for the Department of Defense were asked the question: Where did the \$50 billion figure come from? They did not know. If the leadership of our military and the highest ranking financial official in the Department of Defense do not know where a figure in the budget came from for our war effort, what does that tell you about the integrity of the document? If that figure came from somewhere other than the leaders of the military, we have a problem.

The President also conveniently left out the long-term cost of alternative minimum tax relief for the middle class, which the administration knows we all support. The AMT was never designed to reach down into the middle class, as it does and will continue to do in an ever-increasing way, to cause even more stress and pressure on a middle class that believes it is under attack from all sides. Furthermore, this budget assumes deep cuts in education and health care, cuts that the administration knows are not realistic.

Finally, it hides the long-term cost of the President's ill-advised program to privatize Social Security. This budget is a gimmick. It is the kind of gimmick that the American people have grown very tired of. If proper budgeting procedures were followed, the Federal Government would still be hundreds of billions of dollars in the red by 2012.

If it is not bad enough that this budget is not honest with the American people as to what its implications are, it is even worse when you look at the priorities. First, let's talk about the tax cuts in the President's budget. It preserves billions of dollars in oil subsidies, despite the fact that, once again, we just heard that one of the big

oil companies had a record profit-making quarter. Second, there is \$73 billion in this budget to extend tax cuts for millionaires through 2012. I am not talking about tax cuts for people who make \$200,000 a year or \$300,000 a year. I am talking about for millionaires, \$73 billion. Maybe you think that is not so bad, \$73 billion for millionaires, until you realize the rest of the story that is contained in this budget.

In this budget, the President wants our veterans to spend as much as \$15 billion more for the health care they have been promised. According to McClatchy newspapers, this figure could be as high as \$15 billion. It is at least \$5 billion for additional enrollment fees in health care and additional pharmaceutical costs. Our veterans are being given a tax increase. They say it is not a tax increase; it is a revenue enhancement. This budget is filled with revenue enhancements, also known as user fees, also known as tax increases. So we have a tax cut in this budget for the millionaires, and we have taxes being raised on our veterans. We also have \$37.8 billion over 10 years for seniors to increase their Medicare premiums. Tax cuts for the millionaires; tax increases for our veterans and seniors.

Besides the seniors and veterans, who else will pay? Our children will pay through cuts in the health insurance program for children. There may be a little more money in this budget, but there is not enough money to cover the children who currently are covered under this program in the United States. Missouri is one of those States that has a shortfall in funding. If we do not fix the President's budget, we will be taking care of the millionaires, and tens of thousands of children will be removed from health care rolls in the State of Missouri.

The COPS Program is cut, law enforcement. College loan programs are cut.

I have heard in the last couple of years in my life the phrase "support our troops" as often as I have heard almost the words "good morning." I have heard it in this room dozens of times in the last few days, as people have argued about the war in Iraq and said, "You are not supporting our troops. You have to show that you support our troops."

This budget is the way we show whether we support our troops. Supporting our troops is not a phrase for a political campaign. It is not something to be bandied about to get political advantage, over which resolution we are voting on, or who looks better, the Republicans or the Democrats. It should be embodied in what we do as we decide the priorities for the money we spend on behalf of the American people.

In this budget, we have said to veterans coming home—and that we are talking about veterans under the age of 65—that they will have to pay more. That is being proposed at the same time we are walking around here right-

eously indignant that we are not doing enough to support our troops. In reality, the veterans of this Nation have been losing benefits throughout the Iraq war conflict. They have been fighting for their health care, fighting to see a doctor, and waiting in long lines. This budget is an opportunity to quit talking the talk and begin to walk the walk when it comes to the men and women who have put their lives on the line for our flag and for the country we love.

There are not very many veterans coming home from Iraq who are having sleepless nights, worrying about the estate tax on their \$10 million estates. There are not very many veterans coming home from Iraq who are worried about their capital gains tax on a multimillion dollar piece of property or their stock portfolio. But there are veterans coming home from Iraq who are having sleepless nights about their health care, about their children's health care, about their children's education, and about their retirement security.

This budget does not reflect that we care about those veterans and their sleepless nights. Let's make the phrase "support the troops" mean something other than trying to jockey for position in a political game of hardball. Let's get our priorities straight. Let's fix this deeply flawed budget for the American people, and let's begin by being honest about the budget.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

#### ORDER OF PROCEDURE

Mr. SMITH. Madam President, two of my colleagues came to the floor and asked that they be recognized. Out of courtesy to them, I ask unanimous consent that Senator ISAKSON be given 5 minutes and Senator CHAMBLISS be given 5 minutes, and that the time I have reserved be retained.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia is recognized.

#### SCHIP

Mr. ISAKSON. Madam President, I rise to wholeheartedly endorse an amendment filed today prior to the 2:30 deadline, authored by Senator CHAMBLISS and coauthored by myself. The amendment relates to SCHIP, State Children's Health Insurance Program, and a crisis that exists right now, this minute, in 17 States in the United States of America.

As the occupant of the chair knows, SCHIP is a program where our most needy children are able to get health insurance. It is a 71-percent Federal Medicaid match. But unlike Medicaid, it is not an entitlement; it is an appropriated amount annually that is derived by a formula as the States get their benefit. What has happened this

year is that a number of States, with a number of children eligible for the program, have run out of their Federal match and it is capitated.

Also, a number of States have a significant surplus. What Senator CHAMBLISS has proposed, and what I am advocating, is an amendment we want to propose to the CR which would take that amount of surplus SCHIP money in States with more than 200 percent of their estimated need—take that amount above 200 percent and put it into a pool and reallocate it to those States that are falling short, so that through this fiscal year every child in America who has been promised children's health insurance can in fact get it.

It doesn't penalize any State that has a surplus because that is money they have not and will not use. It doesn't benefit any State who has abused the system. It is just that we have a number of States that have grown rapidly in their numbers. In Georgia alone, in the aftermath of Hurricane Katrina, we added 43,000 children immediately into our State's population, most all of whom remain today.

I know the CR amendment tree has been filled as of now. The distinguished majority leader has filled the tree, so there will be no room for amendments to the continuing resolution. I intend to vote tomorrow for cloture to allow us to complete this resolution and continue appropriations for this year. I hope the distinguished majority leader will think about the value of saving the SCHIP program this year.

I ask unanimous consent to have printed in the RECORD a letter that was distributed by the majority leader and the Speaker, written to the President of the United States, on February 2.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
Washington, DC, February 2, 2007.

The PRESIDENT  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: We understand you plan to submit a request for emergency supplemental appropriations soon, which news reports indicate could exceed \$100 billion. As you consider the emergency needs of our nation, we respectfully request that you not forget the millions of low-income Americans who are insured under the State Children's Health Insurance Program (SCHIP). We ask that you submit a separate spending proposal to cover shortfalls in SCHIP for Fiscal Year 2007 which have been estimated to be \$745 million. Unless we act quickly to provide additional funds to this important program, we are putting the health coverage of thousands of Americans in jeopardy.

As you know, over 46 million Americans are without health insurance. We can ill afford to increase the rolls of the uninsured for failure to adequately fund a successful and efficient insurance program such as SCHIP. Yet we know that at least fourteen states will face a shortfall of SCHIP funds within months. The Governor of Georgia has written to us stating that "It is vitally important to our most needy citizens that Congress act expeditiously."

At the end of the last Congress, we were successful in including a provision to avert a

similar crisis, but unfortunately, we are again in need of another short-term solution. While we plan to work in Congress later this year to reauthorize SCHIP and address longer-term issues, it is essential that you work with us to again provide a short-term fix. The cost of filling the funding shortfall is minor in comparison to your other emergency requests.

SCHIP has become a vital part our safety net, providing health care coverage to millions of Americans who otherwise would be uninsured. Including funds to address fully the looming SCHIP shortfall would assure that states can continue to provide this important coverage while we work to address the longer-term success of the program.

Sincerely

HARRY REID,  
*Senate Majority  
Leader.*

NANCY PELOSI,  
*Speaker.*

Mr. ISAKSON. Madam President, they made my case better than I make it in this letter. Speaker NANCY PELOSI and Majority Leader HARRY REID say we must fix the SCHIP program and suggested that the President add that to the emergency supplemental on Iraq, which we are going to take up in April.

The problem with that is, my State of Georgia runs out of SCHIP money at the end of this month—maybe, at the latest, at the end of March. We are having to cut off new enrollees now and will soon send out the notices to 273,000 children. There will be no money for the remainder of the year after March to meet the obligations of SCHIP. That will take place in States around the country, North, South, East and West.

Think about it. If you have enough money here and everybody who had that money allocated has used all they need, and you don't have enough money over here, it is a simple accounting measurement to fix that in this interim time. Senator GRASSLEY and Senator BAUCUS have already committed, and Senators ROCKEFELLER and REID—all of us on both sides have all said we have to fix the formula; we will get to it toward the end of the year. But we can fix it in the interim to see to it that no child with health care under SCHIP loses that before we make the permanent fix.

I commend Senator CHAMBLISS, who is on the floor, on his leadership and this amendment. I ask the majority leader to give close thought to this issue that was referenced in his own letter of February 2. If there was one amendment that could go on the continuing resolution and would receive unanimous support in the Congress and in the Senate, it is the amendment authored by Senator CHAMBLISS and cosponsored by myself. I ask the leadership to seriously consider allowing an opening on the amendment tree so that amendment can be passed and adopted, and children in Georgia and around the country will end up having the health care that they have been promised and that they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, first, I thank my dear friend from Oregon for letting us have some time here to talk about this issue that is so critical to 17 States, which my colleague so eloquently stated. I appreciate that.

I say to my colleague from Georgia, he and I have worked on this issue so closely together, and the authorship is a combination between the two of us. He has been very generous with his time on this issue and, most importantly, very generous with the thought process he always puts into the most difficult issues we face up here. Without Senator ISAKSON, we would not be where we are today on this amendment.

Today I wish to speak to a critical piece of legislation. It is my hope that this legislation will remedy a situation currently facing hundreds of thousands of hard-working families in Georgia who depend on the State Children's Health Insurance Program—or what we know as SCHIP.

In Georgia, some 273,000 previously uninsured children are now receiving health insurance provided by our State's Peachcare Program. Georgia is one of several States facing a projected funding shortfall for fiscal year 2007.

Last week, the Georgia Department of Community Health that runs Peachcare announced that it will stop enrolling new children into the program effective March 11, 2007.

Senator ISAKSON, Congressman NATHAN DEAL, and I have been working relentlessly with our Governor, the Centers for Medicare and Medicaid Services, Senator GRASSLEY, and the Finance and Budget Committees to find a short-term solution for the children of Georgia who are dependent upon this program. Unfortunately, to this point there has been no resolution.

Senator ISAKSON would like to introduce an amendment today to the continuing resolution that would redistribute fiscal year 2005 and 2006 funds from States that have an excess of more than 200 percent in Federal SCHIP funds to cover the shortfall for States in need for the remainder of fiscal year 2007.

Congress has already passed legislation in an attempt to continue to cover children in States that are running out of funding for SCHIP. H.R. 6164, which became public law on January 15, 2007, required a redistribution of SCHIP funds in an attempt to delay State shortfalls until May of 2007. The estimated remaining shortfall is approximately \$750 million for 14 States. According to recent estimates there is about \$4 billion in unspent funds which have accumulated in other States.

Hard-working Georgians who qualify for this program don't need to wonder how they are going to pay for their children's health care. We must bridge the gap so that these children can continue to be insured, and I hope the Democratic leadership will allow this amendment to be considered.

Time is running out on this funding issue for Georgia's children and chil-

dren in other States. The continuing resolution is an important funding vehicle that will allow us to solve this problem for the remainder of the year until Congress can reauthorize this program.

Georgia's Peachcare Program is providing health insurance to the children of hardworking Americans. They are the kids of the mechanic who works on your car at the local service station, the woman who checks you out every week at the grocery store, or the teacher who is providing your children with the basic knowledge they will use throughout their life. SCHIP programs are for the men and women who make too much money to receive Medicaid yet cannot afford to provide premium insurance for their children at the level of care that they need.

I read in the Atlanta Journal-Constitution recently about Sylvia Banks, a mother of 3 from Ringgold, GA, who is a parent that is concerned the Peachcare Program will soon run out of money. Her 13-year-old son, Benjamin, wears a \$7,000 insulin pump, and supplies for him are around \$300 a month, paid for by Peachcare. In a recent news article, Ms. Banks, whose husband is a minister, states, "We can't do without the insurance. We are taxpayers trying our best to earn an honest living. We are not trying to suck up the government's money. We see this as a benefit and blessing."

Peachcare, and other programs funded through SCHIP throughout the country, allow families to bridge the gap between Medicaid and high priced premium insurance that many families cannot afford.

The importance of this program is too vital to our country's working class not to find a solution to this problem, and find a solution soon.

Mr. President, let me just briefly read some excerpts from a letter written to President Bush from Majority Leader REID and Speaker NANCY PELOSI, who have echoed our sentiments about this critical funding issue:

As you consider the emergency needs of our Nation, we respectfully request that you not forget the millions of low-income Americans who are insured under the State Children's Health Insurance Program (SCHIP). We ask that you submit a separate spending proposal to cover shortfalls in SCHIP for fiscal year 2007 which have been estimated to be \$745 million. Unless we act quickly to provide additional funds to this important program, we are putting the health coverage of thousands of Americans in jeopardy.

As you know, over 46 million Americans are without health insurance. We can ill afford to increase the rolls of the uninsured for failure to adequately fund a successful and efficient insurance program such as SCHIP. Yet we know that at least fourteen States will face a shortfall of SCHIP funds within months. The Governor of Georgia has written to us stating that "it is vitally important to our most needy citizens that Congress act expeditiously."

The letter goes on to say:

SCHIP has become a vital part of our safety net, providing health care coverage to millions of Americans who otherwise would

be uninsured. Including funds to address fully the looming SCHIP shortfall would assure that States can continue to provide this important coverage while we work to address the longer-term success of the program.

So again, we have introduced our amendment today because Georgia's children are waiting. This is about them—our children. They are our Nation's future—and their health care needs must be met. The people in Georgia want a solution to this problem. Hard working Georgians and Americans across the U.S. don't need to wonder how they are going to pay for their children's health care. These are our middle class citizens who work to find a solution and that is what we have been doing and what we will continue to do.

I urge the Democratic leadership to allow consideration of this amendment, and I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

#### CONTINUING RESOLUTION

Mr. SMITH. Madam President, the role of the Federal Government is both a protagonist and an antagonist of Oregon, and what a desperate situation we are in. I say this because some have said to me that you cannot filibuster a continuing resolution, you will shut down the Government. My point back is that whatever it takes, maybe in getting the Federal Government to look over the abyss with me, it will understand how many Oregon counties are feeling at this critical hour.

Senator WYDEN and I are one on this issue. He is working the majority now, and I worked the majority in the 109th Congress. He will find it frustrating trying to get a focus on this issue that affects not just our State but so many others, but ours is affected disproportionately.

The Federal Government owns 53 percent of Oregon and 57 percent of our timberlands. As you know, local communities cannot tax the Federal Government. So the deal that was cut back at the turn of the last century was that, in lieu of taxes, local communities would get 25 percent of timber receipts and, with that, kids could go to school, neighborhoods could be safer, streets would be paved, and civilizations would be built in these timber-dependent, isolated areas, and you are talking about most of Oregon.

So my call tonight is to lay out before the American people the plight, the history, and the reason for my arguing now on this bill and the next bill but, frankly, if the 110th Congress doesn't solve this on the continuing resolution, or on the emergency supplemental, the pink slips that have already gone out will turn red, and there will be tremendous damage done to rural Oregon, which is most of Oregon.

So I pick up now, Madam President, where I was interrupted before by the

needs of others and at the request of the majority leader:

Think of railroads as the internet of America's Gilded Age . . . a totally transforming technology . . . that allowed people in the late 1800s to communicate and travel great distances faster, cheaper, and more efficiently than ever before. Nowhere was this transformation more profound than in the Pacific Northwest.

Prior to the completion of the transcontinental railroad in 1869, there were less than 130,000 American settlers residing in all of the Oregon country, including the Washington and Idaho territories. Communications were typically hand delivered documents. To transport them across the country, they first had to be carried to Missouri, probably by riverboat or wagon, and then carted cross country to the Pacific Coast.

Alternatively, they could be delivered by boat from the Atlantic Coast, sailing around the southern tip of South America, then up the Pacific Coast; or, as a third option, sailing from the Atlantic coast to Central America, crossing over the mountains to the Pacific Ocean, loaded back on board ship, and sailing up the Coast.

However it was done, the trip was lengthy, dangerous and expensive. Having the ability to ride a railroad from the Atlantic to the Pacific changed America dramatically and helped to stitch together a nation nearly torn asunder by a horrific Civil War.

Eastern railroads connected to Omaha, where the route to the West began. The Union Pacific route more or less followed the Oregon Trail west to Utah where it connected with the Central Pacific, ultimately reaching San Francisco.

Building the railroad, itself, transformed the West. Congress enacted various "land grant" programs, selling off vast amounts of land in the West, to both bring settlers and raise money, to help finance construction. Many of these new "sodbusters" were attracted west by the promise of cheap farmland. They fenced and plowed the prairie to start their farms. The railroads, in turn, hauled their crops to far away cities, in so doing also transforming what Americans ate.

As rail construction moved westward, crews and supplies were constantly moved out to the end of the line, settling there until the next section of road was completed. These new towns were soon filled with a "Wild West" brood of gunslingers, cardsharps, prostitutes, saloons and bordellos, gathered to separate the construction crews from their wages.

As the line moved further along, the railroad also moved its supply stop. Some of the older towns left behind survived, and a few even thrived, but most were abandoned. Residents wanting to move to the next stop were loaded onto railroad cars, along with their buildings, including the saloons and bordellos, and hauled to the new end of the line, giving birth to the expression "Hell on wheels."

Even with completion of the transcontinental railroad, the Pacific Northwest remained largely isolated. Supplies and communications still needed to be packed in by wagon from the nearest rail line in Utah, or brought by land or ship north from San Francisco.

Rivers were the highways of the Northwest, and Portland, located near the confluence of the Columbia and Willamette Rivers, became the gateway. Millions of dollars worth of gold and silver poured through Portland on its way to San Francisco from mines as far away as Montana and Idaho.

Settlers quickly learned that the thick forests of the Northwest could be logged, and much of the lumber, when shipped south to California, created gold of its own.

In 1859, when Oregon became the first Northwest state admitted to the Union, Portland's population was less than 800 residents. Ten years later it had grown to nearly 10,000. It all happened so fast that Portland became known as "Stumptown." Early residents logged the riverfront to create the new town, not bothering to remove the stumps. Instead, they simply painted them white, hoping they could be seen in the dark.

It didn't take long for Oregonians, and East Coast financiers, to figure out that a railroad from Portland to San Francisco could transform the Northwest economy, making a lot of money along the way, for its builders.

By 1866, two rail lines had started south from Portland, one on the west side of the Willamette River, and the other on the east side. Construction was very expensive. Neither line had the financial wherewithal to make much progress. Oregonians needed the deep pockets of Uncle Sam to help build their railroad.

The Union victory in the Civil War created a spending spree in Congress. Taking advantage of this postwar exuberance, Oregon Senator George H. Williams persuaded Congress to authorize construction of a rail line from Portland to the California border.

"The Oregon and California Land Grant Act of 1866" provided that railroad construction would be subsidized by a grant of 5 million acres of public land in alternating 640 acre sections extending like a checkerboard for 10 miles on each side of the proposed rail line.

While the Act left it up to the Oregon Legislature to decide who would build the railroad, it provided that the United States Department of the Interior, through its General Land Office, would sell the land to "actual settlers" in plots no bigger than 160 acres, at a price no more than \$2.50 per acre. The land turned out to be some of the richest timberland in the world.

That kind of government largesse naturally brought out less than the best in business and political interests. It wasn't long before the railroads were dominating the state legislature. Since, at that time, legislatures still selected U.S. Senators, Sen. Williams was soon replaced.

Previously proving his worth to the railroads as President of the Oregon State Senate, [Senator John Mitchell] would represent Oregon as U.S. Senator, off and on, for the next 20 years. During his entire time in public office, Mitchell was also on the payroll, as legal counsel, to both the Northern Pacific and the O&C Railroads. He was known to boast that what the railroads wanted, he wanted.

Williams, suddenly retired as Oregon's Senator, did not return directly to Oregon. Instead, he was appointed Attorney General by recently elected President Ulysses Grant.

He served in that capacity for six years until an opening occurred as Chief Justice of the U.S. Supreme Court, and Grant nominated his Oregon friend for the job.

Unfortunately for Williams, the national railroad scandals then rocking Congress, combined with increasing rumors of things not being quite what they should in Oregon, convinced the Senate not to confirm Williams. He returned to Portland to practice law, and ultimately was elected Mayor of the growing city.

Even with the O&C land grants, railroad promoters went broke several times before construction was finally completed 20 years later. By this time, the O&C Railroad was a part of the Southern Pacific line. The driving of the mandatory "golden spike" near Ashland, Oregon in 1887 linked Portland to San Francisco at last.

To help pay for the lengthy construction, the federal government, through the Interior

Department's General Land Office, had been selling off 160 acre parcels of the O&C lands to all comers, regardless of whether they were "actual settlers", as the law required.

"Doing a land office business" took on a rather dubious meaning in Oregon, as land speculators hauled drunks out of saloons and sailors off ships, delivering them to the Government Land Office to claim a piece of federal land. The new "owners" then transferred their deed to the speculators, sometimes for as little as a bottle of whiskey, all with the Land Office approval.

In the process more than 3 million acres were fraudulently looted from Oregon's public domain.

Rumors of the O&C land fraud soon began circulating in the nation's capitol, but it wasn't until Teddy Roosevelt entered the White House in 1901 that the federal government responded.

Special investigators were sent by the President to Oregon in 1903, where they were met with intense hostility from Oregon's political and business community. The railroad and logging interests attempted to stonewall the investigators, but a series of damning articles, published by crusading editor Harvey Scott of the Portland Oregonian, finally exposed the fraud.

The federal investigators soon returned 1,032 indictments, including Senator Mitchell, several Oregon Congressmen, U.S. Attorney's, GLO officials, judges, mayors, lawyers and businessmen. When the cases went to trial in 1905, they were pared down to 35 of the chief culprits, of whom 34 were convicted, including Senator Mitchell. He died at age 70 before being sent to prison.

Just as completion of the railroad transformed the Northwest economy, the land scandal transformed its politics, creating a populist foundation which can still be felt.

Led by political reform groups such as the farm-based Grange, the "Oregon System" was enacted by the Oregon Legislature, calling for the direct election of U.S. Senators, and public oversight of Legislative Acts. Voters could decide public issues at the ballot box, with measures to initiate laws (initiative), repeal legislative acts (referendum), or even remove officeholders (recall).

Within a decade the 17th Amendment to the U.S. Constitution was adopted nationwide, requiring the direct election of all U.S. Senators, and the initiative, referendum and recall became the state standard for political reform.

After the spectacular trials of 1905, the federal government acted to take back the valuable O&C timberlands, now owned by the Southern Pacific, but the Railroad fought back in court. The battle raged in the courts until 1915 when the Supreme Court ruled for the government.

The following year, Congress set up an "O&C" account, funded by timber sales off the lands, to reimburse the Southern Pacific for the lands the federal government had taken back, and to provide funds to the O&C Counties where the lands were located.

It wasn't until the depression years that Oregon's Senator Charles McNary turned the O&C lands golden. Senator McNary had become the Republican Minority Leader of the Senate in 1933, at the beginning of President Franklin Roosevelt's second term.

Over martini's at the White House, the Republican Senator and the Democrat President sorted out their differences and agreed on significant legislation beneficial to the Northwest, including federal help for farmers, the creation of the Bonneville Power Administration, the International Pacific Salmon Fisheries Act, and the O&C Lands Sustained-Yield Act, all enacted by 1937.

The new O&C Act transformed federal funding for the 18 Oregon counties home to

the O&C lands, and Oregon's golden goose was born. The Act created the Bureau of Land Management in the Department of the Interior, out of the ashes of the old General Land Office, and directed the BLM to harvest timber off the O&C Lands, on a sustained yield basis, with an unprecedented 75 percent of the receipts from the timber sales being returned to the O&C counties.

At one of those White House visits, Roosevelt, in anticipation of his run for a third term in 1940, suggested McNary should be his Vice-Presidential running mate on a "Unity Party" platform. McNary declined and was later nominated by the Republicans to run as their Vice Presidential candidate with corporate attorney Wendell Willkie at the head of the GOP ticket.

With the post war building boom in the 1950s, the O&C revenues were pumping hundreds of millions of dollars into Oregon's cash starved rural counties, funding schools and other local projects. The golden goose had become the touchstone of Oregon politics.

Oregon's Mark Hatfield championed the O&C lands as governor, and used the issue to help get elected to the Senate in 1966. As he gained power on the Senate Appropriations Committee, Hatfield became the guardian of Oregon's unique golden goose.

Madam President, that is a brief history of the O&C lands—one that will become more consequential later in my statement, when I specifically discuss county payments safety net.

The fundamental point I am trying to make is that between the national forests and the O&C lands, the Federal Government holds 57 percent of Oregon's standing timber. Yet the Federal Government contributes less than 7 percent to the State's total timber harvest. This was not always the case.

The history of my State, as well as its current predicament, is closely tied to the harvest of timber, of "green gold." Atop our State capitol in Salem stands a 23-foot gold-gilded pioneer, an ax proudly in his hand.

In 1909, the Oregon State Board of Forestry described my State's timber wealth as follows:

Beyond question, the greatest national endowment of Oregon is the unsurpassed wealth stored up in the forests of the State.

Oregon has approximately 300 billion feet of standing merchantable timber. This is not an idle guess, but it is the average of the estimate of government officials, cruisers, and timber experts who have traversed the entire State and made the matter a thorough study. This is a much greater amount than is possessed by any other State in the Union and is nearly one-sixth of the total amount of standing merchantable timber in the United States. It is noteworthy that this immense amount of timber is found on an area which is only 57 percent of the area of the State. The value of this body of timber is twofold; first, as a source of lumber supply; second, as a factor in the maintenance of a perpetual flow of water in the streams and rivers of the State, by retarding the melting of the snow and holding a continuous supply of moisture in the ground during the summer months.

Commercially, the value of the standing timber of Oregon, when manufactured into lumber and sold at the rate of \$12 per thousand, would be \$3.6 billion, a sum in excess of the total amount of currency in the United States at the present time.

Amazing. At current lumber prices, the value of this standing timber would

be \$150 billion in stumpage value alone. But in the early years of Oregon country, timber was not a primary commodity, it was considered a nuisance and a detriment to agriculture. Trading companies such as the Hudson's Bay Company harvested Oregon's wealth from its fur-bearing animals, such as the beaver—the State animal of Oregon and the mascot of our land grant college, Oregon State University. Go Beavs! But as time rolled on, the settlers of Oregon country sought a new source of wealth in the lush virgin forest all around them. Oregonians made great strides into turning trees into 2 by 4s. The first power-driven sawmill was built in 1836, 23 years before our statehood. The first commercial production of Douglas fir plywood was invented in St. John's, OR, by the Autzen family. That name is now familiarly associated with the University of Oregon football stadium. Go Ducks!

The single most important invention affecting logging was the chainsaw of 1935. It was not invented in Oregon, but it was perfected in Oregon. In 1947, a lumberjack named "Joseph Cox" invented chainsaw teeth. Joe was chopping firewood one chilly autumn day in 1946, when he paused for a moment to examine the curious activity in a tree stump. A timber beetle larva the size of a man's forefinger was easily chewing its way through sound timber, going both across and through the wood grain at will.

Joe was an experienced operator of the gas-powered saws used in those days, but the cutting chain was the problem. It required a lot of filing and maintenance time. He said: I spent several months looking for nature's answer to the problem. I found it in the larva of the timber beetle.

Joe knew if he could duplicate the larva's alternating C-shaped jaws in steel, it might catch on. He went to work in the basement shop of his Portland, OR, home and came up with a revolutionary new chain. The first Cox Chipper Chain was produced and sold in November 1947. The basic design of Joe's original chain is still widely used today and represents one of the biggest influences in the history of timber harvesting.

In 1907, there were 173 sawmills in Oregon, but with new and improved chainsaws in the woods, came equally impressive sawmills. C.A. Smith Lumber and Manufacturing Company built the Nation's largest sawmill in Coos Bay. Coos Bay also became the largest lumber-exporting port in the world. The world's largest pine lumber factory was built by Weyerhaeuser in Klamath Falls, south of the Winema National Forest.

By 1929, there were 608 lumber mills, 5 paper mills, 64 planing mills, and 47 furniture factories in Oregon. By 1947, Oregon had 1,573 lumber mills turning out more than 7 million board feet.

Timber also served as a national strategic interest. The Federal Government built its own sawmill in Toledo,



OR, to harvest spruce trees for airplane manufacturing during World War I.

During World War II, Oregon had the unfortunate distinction of receiving the first mainland aerial bombing. On September 9, 1942, a Japanese pilot flew over the Oregon coast, with the intention of dropping a firebomb on the thick forest and causing a massive fire, shocking Americans and diverting resources from fighting the war to fighting fire. Once over forested land, the pilot released the bomb, which struck leaving a crater about 3 feet in diameter and 1 foot deep.

In 1944, Japan launched over 9,000 firebomb balloons over the Pacific Ocean. Once again, the goal was to start forest fires in Oregon and wreak havoc. The most tragic incident involving balloon bombs also found a place in history as yielding the only deaths due to enemy action on mainland America during World War II.

The events unfolded on May 5, 1945, as a pastor and his wife took five children for a picnic on a beautiful spring day east of Bly, OR. I should note that a few years ago, Mr. President, the Federal authorities thwarted al-Qaida plans to build a jihadist training camp in Bly, OR. But back in 1944, Rev. Archie Mitchell parked his car near Bly, and he heard his pregnant wife call out: Look what I found, dear.

One of the children tried to remove the balloon from a tree and triggered the bomb. The force of the blast immediately filled the air with dust, pine needles, twigs, branches, and dead logs. The entire family was killed.

During World War II, private timberlands, not Federal, fueled the war effort. This was necessary because they had roads and quick access to timber that was needed to help win the war. Lumber producers also had implicit assurances from the Federal Government that Federal forests would open up after the war. As Associate Forest Service Chief Sally Collins recently stated:

Post-World War II, the Forest Service entered a new period characterized, in large part, by timber production. From the 1960s to the 1980s, every administration, with strong congressional support, called for more timber harvest from the national forests, with the goal of replacing the depleted stocks of private and State timber as a result of the war effort. At its peak in 1987, the national forests provided close to 30 percent of the Nation's timber supply.

The bulk of the wood came from Federal lands in Oregon. Postwar timber harvest on Federal land alone in my State oscillated between 4 and 5 billion feet per year—enough wood to build nearly 300,000 homes. The revenues from these harvests energized rural Oregon, not to mention the Federal Treasury, since 75 percent of the proceeds came right here and were deposited in Washington, DC.

It was a win-win and in the spirit of the Federal Government acting in the aid, not the ailment, of the States united under its banner. It was the same spirit in which Franklin Delano

Roosevelt dedicated the Bonneville Dam on the mighty Columbia River. Said he at the time:

The responsibility of the Federal Government for the welfare of its citizens will not come from the top in the form of unplanned hit or miss appropriations of money, but will progress to the national capital from the ground up, from the communities and counties and States which lie within each of the logical geographical areas.

The timber industry built itself literally from the ground up and is a living legacy in Oregon to this day. Back cuts and board feet, buckers and fellers, chokers and cruisers, skidders and slashers, springboards and spring poles and widow-makers, these are terms still heard in the woods, in smokey bars, and in Forest Service rigs all across Oregon.

The great Johnny Cash once wrote a song about Roseburg, OR, the timber capital of the world. In spoken word, on his "Ride this Train" album, the "man in black" said this:

Ride this train to Roseburg, Oregon, now there's a town for you; and you talk about rough, you know a lot of places in the country claim Paul Bunyon lived there; but you should have seen Roseburg when me and my daddy'd come there; every one of them loggers looked like Paul Bunyon to me; as I was a skinny kid about 16 and I was scared to death when we walked into that camp; none of the lumberjacks paid any attention to me at first; but when my pa told the boss that me and him wanted a job; a lot of 'em stopped their work to see what was gonna happen; that big boss walked around me, looked me up and down, and said, Mister, I believe that boy is made out of second growth timber, and I guess I was. Everybody but me and my pa had a big laugh over it. Pa got kinda mad and the boss finally said he might start me out as a high climber—I didn't know what a high climber was. Boy, I sure learned fast. That steel corded rope cut my back, and that ax, I thought it was gonna break my arms off, but I stuck with it. It wasn't long till I learned a man's got to be a lot tougher than the timber he's cuttin'. Finally I could swing that crosscut saw with the best of them.

Country singers were not the only artists to embrace Oregon's logging heritage. Ken Kesey might be known to some of my colleagues as the author of "One Flew Over The Cuckoo's Nest." Oregonians know Ken Kesey as one of their own—a countercultural figure, bridging the gap between the beatniks of the 1950s and the hippies of the 1960s.

Kesey's second novel, "Sometimes a Great Notion," tells of a hardheaded Oregon logging family hacking a family wage out of the woods. I would read some of that work, but in the interest of getting through this 5-hour speech in an hour, I will save that for another day. His work does personify the pride, passion, and perseverance of the Oregon logger and the Oregon spirit itself.

Kesey's words vividly describe the back-breaking work of logging, seen through the eyes of a long-lost brother from the east coast. In the nonfiction world, another east coast brother—"Big Brother," if you will—would break the back of Oregon's logging industry.

(Mr. SANDERS assumed the Chair.)

Mr. WYDEN. Mr. President, will the Senator yield for a question?

Mr. SMITH. I will yield.

Mr. WYDEN. Through the Chair, I would like to pose a couple of questions to my colleague making an important speech.

I have been attending a lot of town meetings across the State, and I know my colleague is attending some as well. What is your sense of how dire the situation is at home? When I talk to people, you get the sense this is a real lifeline, and I think it would be helpful if you could lay out exactly that sense of urgency you are picking up at home.

Mr. SMITH. My response is the same as the Senator's. It is a sense of abandonment, a sense of betrayal, a sense that the Federal Government made a deal, changed the terms, and now is welching on the deal.

That is why I am here giving the history of this State, trying to share with my colleagues some of the feeling, the history, the blood, sweat, and tears that went into building Oregon and why the Federal Government needs to be the protagonist for Oregon again, not the antagonist.

So that would be my answer. They feel like the Federal Government gave its word and needs to keep it.

Mr. WYDEN. Again, through the Chair, Mr. President, would it be my colleague's sense that at home the kinds of services that are on the line are not exactly what the people call the extras? We are talking about law enforcement. We are talking about schools.

I know the Senator shares a long friendship with Sheriff Mike Winters, for example, of southern Oregon, and he has told me the kinds of cutbacks we have seen in law enforcement are extraordinary, such as involving the effort to fight methamphetamines.

What is your sense of the kinds of services we would see go by the boards if this program is not sustained?

Mr. SMITH. Well, Senator, I have spoken to it at the beginning, in the middle, and at the end of this, the kinds of things you are asking, the kinds of services that will be jeopardized or the kinds of services every American citizen expects local communities to provide. Most communities provide them through property taxes, local levies of some kind that keep our teachers, our policemen, our roads paved, health services, and more. These are the kinds of things which are the cornerstone of what we would call "civilization" in rural places.

It is that and more. We could go looking at program after program that, if the Federal Government welches on its bargain, are the kinds of services that will be lost to Oregon because Oregon is over half owned by the Federal Government. It is real simple. Time is up, and the deal needs to be kept.

Mr. WYDEN. Continuing through the Chair, Mr. President, isn't it correct, I

ask my colleague, that members of our delegation, of both political parties, have suggested alternatives for funding this program? For example, our whole delegation to a person was very troubled about this idea of selling off our treasures because not only was that not morally right, clearly it would have no prospect whatever of passing in the Senate. So I know our colleague in the other body who represents the eastern part of our State had some good ideas, and our colleague in the other body from southwestern Oregon had some good ideas. It seems to me—and I think it would be helpful if you could bring the Senate up to date—that both Democrats and Republicans have been trying to work in good faith for ideas that would responsibly fund this program. I think it would be helpful to have my colleague's reaction on that.

Mr. SMITH. The Senator is exactly right. There has been virtually nothing taken off the table. The administration made a proposal for funding this that had difficulties with our delegation, in selling off public lands or other forest land. To me, the offset ought to be the word of the United States, and ultimately the funding source is really the American Treasury because the American Treasury gains so much from Oregon, owns over half of Oregon, and contributes 7 percent to its local governments. So you are absolutely right. There have been many suggestions made. I have supported virtually all of them to try to break through this logjam that we find in Congress. It has been a labor of the greatest frustration for this Senator, and I know for you.

Now we have traded sides as to who is in the majority and who is in the minority. My recourse in the minority is to do what I am doing, and that is to look for every opportunity I can to speak for Oregon, to slow down the Federal Government if necessary to get the Federal Government to understand its obligation.

Mr. WYDEN. Mr. President, one last question, if I might, for my colleague. I appreciate his point with respect to the alternatives because the administration offered a proposal, a selloff of national treasures. I and others thought that was wrong. We went to work. Our colleagues came up with alternatives. Senator BAUCUS and I found an example in an area where Government contractors were not paying taxes in a prompt way. There were questions about whether it made sense, at least in the administration. Then they went off and took the revenues.

I think your point about how Democrats and Republicans have brought alternatives with respect to how to pay for this program in the Congress is an important one.

The last one I would like to have you lay out for the Senate is that I want Senators to know that this is not some exercise on our part, in terms of just plucking an arbitrary figure out of the air and saying: By God, this is the money that we want for our State. As

I understand the presentation of the Senator, you are trying to lay out the history.

Mr. SMITH. I am.

Mr. WYDEN. The history goes back to the beginning of the last century, essentially. Because the Federal Government owns more than half of our land, we historically received payments for essential services—schools, police and the like—that were based on timber receipts. Now that the environmental laws have changed, those funds are not there.

So, as I understand it, the presentation that my colleague is making today is based on the idea that this is not about Oregon's seeking some kind of arbitrary figure that we basically would like to offer up as kind of a wish list or to try to get through because we will try to bull it through, but that it is really based on history. It is based on a historical formula that stems from the fact that the Federal Government owns most of the land. Is that essentially the kind of historical viewpoint that my colleague is trying to bring to the Senate?

Mr. SMITH. Absolutely. I will be making it several more times in this presentation—5 hours condensed into an hour and a half, I suppose. But when you and Senator CRAIG first cut the deal—and I was an original cosponsor with you—you had to have a basis for the money, the formula for distributing it. You all wisely came up with what is the historical timber harvest on Federal lands. That made sense. It makes logical sense. It is defensible. Now some of our neighboring Senators don't like that deal anymore. They want to change that. They would like to ignore that history, but that is the basis of the formula for these secure county schools payments. It is literally replacing the money lost from the way Oregon historically operated in collaboration with the Federal Government. The terms were changed. The terms were changed in the 1990s.

There is a cost to not harvesting timber. The rest of the country wants us not to harvest timber, but there is a cost to not doing that, and the cost is borne by humans, by local governments. I think it is a dastardly thing on the Federal Government's part to walk away from this now, for it to change the terms and not care for the people impacted by that.

Mr. WYDEN. One last question, if I might, Mr. President. Also, let me also tell the Senate we are very pleased that the Senator from Vermont has joined the Energy and Natural Resources Committee. He is going to hear us talking an awful lot in the committee about the county payments legislation, but I just want to say tonight in the Senate I am very pleased the Senator from Vermont has come to the Senate, and we are glad to have him on the committee.

The last question I would pose to my colleague deals, again, with the urgency of all of this, so the Senate is

clear on this. I think there is always a sense that sometimes you come to the floor and there is a little bit of an alarmist kind of approach.

My understanding is in our home State, from county officials, there are pink slips going out now. There are budgets that are being made now that are going to be very hard to alter. I appreciate my colleague's presentation over the last bit, and I enjoyed the earlier one as well, and I felt it was an important presentation.

What exactly is taking place? So the Senate is up on this in terms of county budgets, layoff notices, and the kind of pain—that is what this is really all about, the pain we are seeing working families and citizens going through—what exactly is taking place as these budget choices are being made?

Mr. SMITH. The Senator is exactly right in his description of the local pain and the bewilderment of many public employees who work in the counties and need to make mortgage payments, want their kids educated, and would like their neighborhoods kept safe. They are getting pink slips as we speak.

This act expired in September of last year. The money runs out in June. The last two vehicles you and I have to fix this is the CR or the emergency supplemental. My good friend, my senior colleague, is doing exactly what I was doing when I was in the majority, and that is meeting with chairmen, meeting with the leader, describing the intensity of the problem and the moral importance of this for the Federal Government to keep its word. It was an experience in great frustration.

Now I am in the minority, and I am left to stall, throw wrenches in the works, make the moral case. I will continue to do that. You and I, as we have done since our earliest days in the Senate, will work in tandem because, when it comes to Oregon's interests, between Senator WYDEN and myself, politics stop at the State border. This is a perfect example of it. We have two shots.

Mr. WYDEN. I thank my colleague for his presentation. I hope the entire Senate followed this discussion—that our whole country does.

I yield the floor.

Mr. SMITH. In 1976, shortly after the Endangered Species Act became law, an Oregon State graduate student named Eric Forsman published a master's thesis.

It surmised that the spotted owls of Oregon were "declining as a result of habitat loss." The study caused a sensation among the environmental community, which was looking for an Endangered Species test case.

By 1988, the environmental activists had defined their battle—to preserve, "old growth forests." In their own words, these activists needed a "surrogate" species—one that lived in and needed old growth for its habitat. At a law clinic in 1988, one activist stated:

Thanks to the work of Walt Disney, and Bambi and his friends . . . wildlife enjoys substantive statutory protection. While the northern spotted owl is the wildlife species

of choice to act as the surrogate for old growth protection, and I've often thought "thank goodness the spotted owl evolved in the Northwest, for if it hadn't we'd have to genetically engineer it." It's a perfect species for use as a surrogate. First of all, it is unique to old growth forests. And there's no credible scientific dispute on that fact. Second of all, it uses a lot of old growth. That's convenient because we can use it to protect a lot of old growth.

And "convenient" it was to those seeking to end timber harvest in Oregon. The United States Fish and Wildlife Service was forced to review the status of the spotted owl in 1982 and again in 1987.

In both instances it found that a listing under the Endangered Species Act was not warranted. In 1986, an Audubon Society report stated that the spotted owl population was teetering toward the doomsday number of 1500 pairs.

Further reviews by the Fish and Wildlife Service in 1989 and 1990 proposed that it should be listed as threatened throughout its range—northern California, Oregon and Washington.

By 1989, environmental litigants had secured a court injunction on BLM timber sales near spotted owl sites. My predecessor, Senator Mark Hatfield, and Senator Brock Adams of Washington intervened that same year.

They passed what was called the "Northwest Compromise"—also known as the "section 318 rider." This rider required the BLM and Forest Service to map out ecologically significant old growth stands for interim protection, while insulating federal timber sales outside those areas from litigation challenges.

I would like to read from a floor statement Senator Hatfield gave that year:

For those who like to isolate themselves in a little cocoon and talk about theoretical and esoteric subjects, let us not forget we are talking about human problems. That leads back to a common denominator which is the adequacy or inadequacy to house human beings. There may come a time when we will have to opt for a choice between an owl and a human being, but let me tell you in this proposal today we do not have to make that choice.

We have opted to continue studying the owl as a threatened species, and there is nothing in this report that in any way impinges upon the Endangered Species Act. But at the same time we are sensitive to human need. In my 30 years as a governor and Senator, I have often found myself in the eye of the storm when I have been accused by some of trying to preserve too much of our natural resources for posterity, including seashores, including the Columbia River Gorge, including wild and scenic rivers and including wilderness.

On the other hand, I often find myself in the eye of the storm from those representing the environmental community who think somehow we have sacrificed the spotted owl for timber production.

Mr. President, the facts will not bear that out. I think sometimes that striking the balance is the most impossible political stance to take. It is far easier to line up with one side or the other. To try to strike a balance in anyone of these controversial areas, particularly as it represents economic and human need on one side and they need to preserve unique areas of our God-created Earth on the other, is very difficult. I fear that too often we are adopting the single-

issue mentality that bubbles up to the top in many of these groups today.

When you subscribe to that single-issue mentality, it is not what you have done in the past or what you are trying to do for the future; it is how you cross the t's and dot the i's today, and it is a dogmatic mind that is very difficult to try to find any kind of accommodation. Thank goodness, I think that the minds of balance and the minds of many of these people in both groups prevailed and made this compromise possible.

So I want to say, Mr. President, we have made great movement in trying to accommodate those from the environmental community who have raised legitimate issues and concerns.

Unfortunately, according to many of the statements coming out of that community, it is not enough. On the other hand, when I face in my State 70 communities that are totally dependent on a 1- or 2-mill economy, I can say this: I look forward not with anything but anxiety and concern that we are going to see some of those communities so deeply impacted that I may have to repeat an experience I had in Valseltz, OR.

On that occasion I gave the last high school commencement. Instead of the usual smiles and laughter at such an event, there were tears and sadness in the faces of the members of that small timber-dependent community whose mill had recently closed. In 2 weeks the bulldozers came in, and today there is not a sign left of community life because we are now finding the underbrush taking over.

We face that reality in our State. It is awfully easy for people from other States to say, oh, well we have to do this and that. But I have to concern myself with representing the people who have to put bread on the table of their children, and to cut it off abruptly, without any consideration for the human needs, to me, is cruelty.

If we want to reduce our timber sales level by half, all right. But let us have a prospective goal, and give time to re-train those employees, give time to readjust those communities, give time to those human needs, but to do it as proposed by various members of the environmental community is to do it without human concern.

Following Senator Hatfield's action in the Senate, the House Agriculture Committee ordered the creation of a team of scientists—forest experts—to analyze and report on the management of old growth forests within the range of the spotted owl.

This group came to be known as the "Gang of Four." Their report found that the amount and distribution of old growth forests in the Pacific Northwest was insufficient to support both current timber harvest level and the viability of the spotted owl.

The Gang of Four presented 14 management alternatives, from the status quo to massive set asides of old growth reserves.

Congress considered many of these alternatives, but acted on none of them.

In 1990, the hammer finally fell. The U.S. Fish and Wildlife Service formally listed the northern spotted owl as "threatened" under the Endangered Species Act.

A federal court soon ordered the agency to declare critical habitat for the spotted owl in western Oregon and Washington and northern California. A spotted owl recovery team was appointed in 1992.

The year that the spotted owl was listed, 1990, Time Magazine ran this cover story.

It read:

WHO GIVES A HOOT?

The timber industry says that saving this spotted owl will cost 30,000 jobs. It isn't that simple.

When this story ran, the Senator from Tennessee, Mr. Gore, came to this floor to with the magazine in hand.

The distinguished Senator stated:

Why would Time magazine do a cover story on the spotted owl, to say it is not that simple? Because the issue has been misunderstood, and it is not that simple.

Well, Senator Gore and Time Magazine were right. The battle between loggers and owls wasn't that simple. The economic fallout under the forthcoming Clinton-Gore administration would be far worse. And despite draconian federal actions, the owl would not be saved.

Following the ESA listing of the spotted owl, biologists and foresters within the federal government began their own war with each other. With critical habitat in place, the Fish and Wildlife Service warned the BLM that its planned timber sales would jeopardize the survival of the spotted owl.

In October 1991, Interior Secretary Manuel Lujan convened the Endangered Species Committee—also known as the "God Squad." The God Squad consisted of three cabinet-level appointees and one representative from the State of Oregon. They convened a month of evidentiary hearings in Portland, OR with 97 witnesses.

The God Squad decided to exempt several of the BLM's timber sales from ESA guidelines, while also requiring the agency to implement the draft spotted owl recovery plan in other areas.

Without a final recovery plan, however, litigants seized the opportunity to shut down the remaining timber sales. Blanket injunctions were issued by Federal courts in 1991 and 1992, finally bringing western Oregon's Federal timber program to a complete deadfall.

This chart shows timber harvest on each of Oregon's thirteen National Forests. The Willamette National Forest alone was producing nearly a billion board feet of timber a year. By 1992, it was in a free-fall to near zero, where it remains today.

Think of the economy. think of the human consequences. But maybe we saved the owl. We will get to that.

Enter the presidential campaign between George Herbert Walker Bush and the Governor of Arkansas, Bill Clinton. Both candidates made numerous visits to the Pacific Northwest. Bush lamented to loggers the situation that had unfurled on his watch. Clinton promised labor unions that he would convene a "forest summit" to resolve the problem and end the gridlock.

In April 1993, President Bill Clinton did just that—at least insofar as the "summit." In Portland, OR the president convened his Vice-President, Al

Gore, along with the Secretaries of Agriculture, Interior, Labor, and Commerce, plus the EPA Administrator, the Deputy Director of the Office of Management and Budget, and his Science and Technology Advisor.

At the conclusion of the eight-hour, televised summit, President Clinton announced a 60-day deadline by which his Cabinet would craft a plan to break the Pacific Northwest's forest impasse.

He said that his goal was to develop a policy based on principles that would

Produce a predictable and sustainable level of timber sales that will not degrade or destroy our forest environment.

That plan would come to be known as the "Northwest Forest Plan." It called for the set aside of 88 percent of federal forests within the range of the spotted owl. The "predictable and sustainable" level of timber would come from the remaining 12 percent of the landscape. This amounted to 1.1 billion board feet a year—a 78 percent reduction from historic levels. But it was more than zero, which is what we had. So we were happy. We would get 1.1, even though there used to be 8 billion.

In all honesty, both trenches in the timber war shirked at the Northwest Forest Plan. The timber industry did

not want to codify such a dramatic drop in federal timber sales.

Environmentalists objected to the fact that the Plan explicitly relied on some old growth harvest to meet its volume prediction.

Nonetheless, the Northwest Forest Plan—and its equivalent in eastern Oregon, the Interior Columbia Basin Ecosystem Management Project—became the law of the land, without a single vote in Congress. The Plan was implemented through administrative rule-making and blessed by federal judges.

Nonetheless, federal timber sales remained gridlocked in court. Harvest levels were still dropping. Mills were still closing. Unemployment lines were still growing. Oregon was no better off.

The year Oregon cast its electoral ballots for Bill Clinton a second time, in 1996, it also elected to send me to the United States Senate.

Holding the Clinton Administration to its own promise to Oregon was a primary directive from my constituents. And I did what I could.

I pleaded with Clinton Administration officials to fully fund its own Northwest Forest Plan. It never did.

I fought off efforts in this chamber to slash funding from the federal timber sale program. And the Senate never did.

The time between 1996 and 2000 was a grueling and frustrating fight. While the president lamented the poverty in Appalachia, his administration was creating it in Oregon.

It became obvious very quickly that the promise of the Clinton Northwest Forest Plan was a ruse—sabotaged by its own architects at every political turn.

When George W. Bush took office in 2001, he agreed to make good on Bill Clinton's 1993 commitment. His administration has tried to fix the Northwest Forest Plan, to fund it and to implement it.

Unfortunately, the current president's efforts have been stifled by federal courts.

Northwest Forest Plan timber harvest under President Bush has been consistently lower than under President Clinton. And it has never risen above 30 percent of what Bill Clinton promised Oregon 13 years ago.

These are the legal and political facts of the case. Let me take a moment to describe the human, social and economic casualties of the timber war.

Between 1989 and 2003, 213 lumber mills in Oregon were closed, some permanently. I'd like to read you the list:

		Employees	
Simpson Timber Co.	Albany	Plywood	200
Stone Forest Industries	Albany	Sawmill	286
Weyerhaeuser	Albany	Sawmill	39
Willamette—Durafake	Albany	Sawmill	
	Alice	Sawmill	
Croman Corporation	Ashland	Sawmill	
Astoria Plywood	Astoria	Plywood	300
Ellingson Lumber Co.	Baker City	Sawmill	152
	Bandon	Sawmill	
	Beavercreek	Sawmill	
	Bend	Sawmill	
Crown Pacific	Bend	Particle board	111
Weyerhaeuser	Boring	Sawmill	180
Vanport Manufacturing	Carver	Sawmill	
	Cascade Locks	Sawmill	44
Cascade Cascade Locks Lumber	Cave Junction	Sawmill	
Rough & Ready Lumber	Central Point	Sawmill	
Central Point Lumber	Central Point	Sawmill	40
Double Dee Lumber	Central Point	Sawmill	
Tree Source	Chiloquin	Sawmill	
	Clatskanie	Sawmill	70
Beaver Lumber	Colburg	Sawmill	
	Coos Bay	Sawmill	
Coos Bay Mill	Coos Bay	Sawmill	175
Weyerhaeuser	Coos Bay	Sawmill	40
Weyerhaeuser—Dellwood Logging	Coquille	Sawmill	340
Georgia Pacific	Corvallis	Sawmill	6
Brand-S Corporation	Corvallis	Plywood	46
Leading Plywood	Corvallis	Sawmill	50
Midway Engineered Wood Products	Corvallis	Sawmill	40
Superior Hardwoods	Cottage Grove	Sawmill	40
Cascade Lumber	Cottage Grove	Sawmill	30
Starfire Lumber Co.	Cottage Grove	Sawmill	235
Weyerhaeuser	Creswell	Plywood	65
Cress Ply	Culp Creek	Sawmill	225
Bohemia	Cushman	Sawmill	
	Dairy	Sawmill	70
Diversified Fiber Corp.	Dalles	Sawmill	
Weyerhaeuser	Dillard	Sawmill	275
Roseburg Forest Products	Dillard	Plywood	
Roseburg Forest Products	Dixonville	Sawmill	
	Drain	Sawmill	
	Eddyville	Sawmill	
Boise Cascade	Elgin	Stud Mill	37
Boise Cascade	Elgin	Sawmill	
Great Western Pellet Mills	Enterprise	Pellets	14
Estacada Forest Products	Estacada	Sawmill	
Cuddeback Lumber	Eugene	Sawmill	75
Falcon Manufacturing	Eugene	Sawmill	120
Seneca Sawmill	Eugene	Sawmill	24
Springfield Forest Products	Eugene	Sawmill	60
WTD Industries	Eugene	Sawmill	55
WTD Industries	Eugene	Veneer	80
Zip-O-Log Mills	Eugene	Sawmill	30
	Forest Grove	Sawmill	
	Foster	Sawmill	
International Paper	Gardiner	P&P	
Willamette—Bohemia	Gardiner	Sawmill	280
Gregory Forest Products	Glendale	Plywood	25
Gold Beach Plywood, Inc.	Gold Beach	Plywood	315
Cone Lumber Co.	Goshen	Sawmill	69
Goshen Veneer	Goshen	Veneer	53
Fourply Lumber	Grants Pass	Sawmill	200
Medford Corporation	Grants Pass	Plywood	170
U.S. Forest Industries	Grants Pass	Sawmill	200
Spalding & Son	Grants Pass	Sawmill	160
Olympic Mill (Interforest)	Gresham	Veneer	44
W—Cascade Logging	Griggs	Sawmill	32
DG Mouldings	Harrisburg	Sawmill	95
Noble & Bittner Plug Co.	Hebo	Sawmill	19

			Employees
Kinzua-Heppner Mill .....	Heppner .....	Sawmill .....	135
Frontier Forest Products .....	Heppner .....	Sawmill .....	
Louisiana Pacific .....	Hines .....	Sawmill .....	116
Snow Mountain Pine Ltd. ....	Hines .....	Sawmill .....	260
Hanel Lumber .....	Hood River .....	Sawmill .....	138
Green Veneer, Inc. ....	Idanha .....	Veneer .....	
Peacock Lumber Co. ....	Idanha .....	Sawmill .....	25
Mountain Fir .....	Imbler .....	Sawmill .....	45
Malheur Lumber .....	Independence .....	Chip Mill .....	
Boise Cascade .....	Jasper .....	Sawmill .....	
Joseph Timber .....	John Day .....	Sawmill .....	30
R-Y Timber, Inc. ....	Joseph .....	Sawmill .....	52
Junction City Lumber (WTD) ..	Joseph .....	Sawmill .....	70
Circle D .....	Joseph .....	Sawmill .....	68
Collins Products .....	Junction City .....	Sawmill .....	102
Klamath Veneer .....	Klamath Falls .....	Chip Mill .....	
Modoc Lumber .....	Klamath Falls .....	Plywood .....	
Roseburg Forest Products ..	Klamath Falls .....	Veneer .....	50
Weyerhaeuser .....	Klamath Falls .....	Sawmill .....	169
American Precision Millwork ..	Klamath Falls .....	Sawmill .....	680
Goose Lake Lumber .....	Klamath Falls .....	Sawmill .....	
Lakeview Lumber .....	Lakeview .....	Sawmill .....	27
Lebanon Mill .....	Lakeview .....	Sawmill .....	60
White Plywood .....	Lakeview .....	Sawmill .....	60
WI—Lebanon Plywood .....	Langlois .....	Sawmill .....	
Linnton Plywood .....	Lebanon .....		
Blue Mountain Forest .....	Lebanon .....	Plywood .....	180
	Lebanon .....	Plywood .....	125
	Linnton .....	Plywood .....	235
	Long Creek .....	Sawmill .....	20
	Madras .....	Sawmill .....	
	Mapleton .....	Sawmill .....	
	Maupin .....	Sawmill .....	
	Medford .....	Plywood .....	450
Boise Cascade .....	Medford .....	Veneer .....	
Boise Cascade .....	Medford .....	Sawmill .....	
Pine Products .....	Prineville .....	Sawmill .....	97
Crown Pacific .....	Prinville .....	Sawmill .....	
Cascade Pine Specialties .....	Redmond .....	Sawmill .....	60
Crown Pacific .....	Redmond .....	Sawmill .....	214
DAW Forest Products .....	Redmond .....	Sawmill .....	45
International Paper .....	Redmond .....	Sawmill .....	80
International Paper .....	Reedsport .....	Sawmill .....	325
C & D Lumber .....	Gardiner .....	P&P .....	80
Louisiana Pacific .....	Riddle .....	Sawmill .....	
Medford Corporation .....	Rogue River .....	Veneer .....	75
California Cedar Products .....	Rogue River .....	Veneer .....	50
Champion (Seneca Timber) .....	Roseburg .....	Sawmill .....	260
P&M Cedar Products .....	Roseburg .....	Plywood .....	
Pacific Chips .....	Roseburg .....	Sawmill .....	
Roseburg Forest Products .....	Roseburg .....	Chip Mill .....	36
Willamette Industries .....	Roseburg .....	Sawmill .....	42
Diamond Pacific Milling/Dry Kilns ..	Saginaw .....	Sawmill .....	62
North Santiam Plywood .....	Salem .....	Sawmill .....	15
Kohl Lumber .....	Salem .....	Plywood .....	100
Taylor Lumber & Treating .....	Seaside .....	Sawmill .....	13
Silverton Forest Products .....	Sheridan .....	Sawmill .....	
Georgia Pacific .....	Silverton .....	Sawmill .....	65
Nicolai Company .....	Springfield .....	Plywood .....	250
Oregon Cedar Products .....	Springfield .....	Sawmill .....	163
Springfield Forest Products .....	Springfield .....	Sawmill .....	80
Stone Forest Industries .....	Springfield .....	Sawmill .....	200
Weyerhaeuser .....	Springfield .....	Sawmill .....	53
Weyerhaeuser Pulp and Paper .....	Springfield .....	Sawmill .....	270
Weyerhaeuser .....	Springfield .....	P&P .....	520
Pacific Western Forest Products ..	Springfield .....	P&P .....	140
St. Helens Mill .....	St. Helens .....	Plywood .....	288
Weyerhaeuser .....	St. Helens .....		
	Stayton .....	LVL Plant .....	43
Linn Forest Products .....	Sutherlin .....	Sawmill .....	
Weyerhaeuser .....	Sweet Home .....	Sawmill .....	95
WI—Foster Sawmill .....	Sweet Home .....	Sawmill .....	81
WI—Midway Veneer .....	Sweet Home .....	Sawmill .....	44
Willamette Industries .....	Sweet Home .....	Veneer .....	80
	Sweet Home .....	Plywood .....	168
	Swishome .....	Sawmill .....	
WTD .....	Tillamook .....	Sawmill .....	30
Wheeler Manu. (Conf. Tribes of Siletz) ..	Toledo .....	Sawmill .....	90
American Hardwoods .....	Tualatin .....	Sawmill .....	166
	Tygh Valley .....	Sawmill .....	
WTD Industries .....	Union .....	Sawmill .....	80
	Vaughn .....	Sawmill .....	
C B Cedar Co. ....	Medford .....	Sawmill .....	50
Eugene F. Burrill Lumber Co. ....	Medford .....	Sawmill .....	112
KOGAP .....	Medford .....	Sawmill .....	200
Medford Corporation .....	Medford .....	Sawmill .....	320
Miller Redwood .....	Merlin .....	Sawmill .....	85
Bugaboo Timber .....	Mill City .....	Sawmill .....	50
Green Veneer .....	Mill City .....	Veneer .....	40
Young & Morgan .....	Mill City .....	Sawmill .....	
Simpson Timber Co. ....	Millersburg .....	Sawmill .....	200
Murphy Co. ....	Milwaukie .....	Sawmill .....	97
Avison Lumber Co. ....	Molalla .....	Sawmill .....	
Brazier Forest Industries .....	Molalla .....	Stud Mill .....	83
Murphy Creek Lumber Co. ....	Murphy .....	Sawmill .....	24
	Myrtle Point .....	Sawmill .....	
	North Bend .....	Sawmill .....	
	North Plains .....	Sawmill .....	
Tree Source .....	North Powder .....	Sawmill .....	
	Norway .....	Sawmill .....	
Evergreen Forest Products .....	Oakland .....	Sawmill .....	480
Bald Knob .....	Oakridge .....	Sawmill .....	140
Pope & Talbot .....	Oakridge .....	Sawmill .....	370
Pope & Talbot .....	Oakridge .....	Sawmill .....	20
	Ophir .....	Sawmill .....	
Stimson Lumber .....	Oregon City .....	Sawmill .....	85
Caffal Brothers .....	Oregon City .....	Sawmill .....	
	Paisley .....	Sawmill .....	
	Pedee .....	Sawmill .....	
Diamond B Georaia Pacific) .....	Philomath .....	Sawmill .....	155
Philomath Wood Products .....	Philomath .....	Sawmill .....	106
Tree Source Pac/Soft .....	Philomath .....	Sawmill .....	
Tree Source/Phil. FP .....	Philomath .....	Sawmill .....	
Special Products of Oregon .....	Phoenix .....	Sawmill .....	80

		Employees
Felt Mill .....	Portland .....	
Portland Mill .....	Portland .....	
Weyerhaeuser .....	Headquarters .....	Admin 345
	Prairie City .....	Sawmill .....
Crown Pacific Ltd. ....	Prineville .....	Sawmill 36
Crown Pacific Ltd. ....	Prineville .....	Sawmill 60
D & E Wood Products ..	Prineville .....	Sawmill 15
Northwest Pacific Moulding & Cutstock .....	Prineville .....	Moulding 18
Ochoco .....	Prineville .....	Sawmill 80
Ochoco Lumber .....	Prineville .....	Sawmill 100
International Paper .....	Veneta .....	Sawmill 100
	Waldport .....	Sawmill .....
Rogge Wood Products .....	Wallowa .....	Sawmill 30
Wallowa Forest Products .....	Wallowa .....	Sawmill 50
Warm Springs FP .....	Warm Springs .....	Sawmill .....
Warrento Lumber Products .....	Warrenton .....	Sawmill 147
Boise Cascade .....	White City .....	Veneer 30
Burrill Lumber Co. ....	White City .....	Sawmill .....
Double Dee Lumber Co. ....	White City .....	Sawmill 20
Medco .....	White City .....	Sawmill .....
Medford Corporation .....	White City .....	Sawmill .....
Medite Corporation .....	White City .....	Sawmill .....
Conifer Plywood Co. ....	White City .....	Sawmill 80
Williams Sawmill .....	Willamina .....	Plywood 158
Winchester Sawmill .....	Williams .....	Sawmill .....
Weyerhaeuser .....	Winchester .....	Sawmill .....
Weyerhaeuser .....	Winston .....	LVL Plant 37
Yoncalla Timber Products (WTD) .....	Wood Burn .....	Sawmill 57
	Yoncalla .....	Sawmill 45

It goes on and on. These mill closures manifest themselves in the most horrific human ways. It is more than just loss of logging and truck driving jobs and destroyed communities in places I have mentioned. Thirty-five thousand Oregonians in the forest products industry lost their jobs in the 1990s—35,000. I remember those dark days. The year the Federal courts shut down the woods, I was elected as State Senator from Pendleton, OR. At the time there was talk that Oregon had to move on from the boom-and-bust cycle of Federal timber sales. There was talk that we could swap out jobs in the Douglas fir forests for ones in the silicon forest.

Such talk seems so hollow now. But of the 35,000 Oregonians who lost their jobs in the woods and in the lumber mills, nearly half of them never found work again in our State. They either moved to another State, retired or remained chronically unemployed. Those who did find other work ended up with lower wages than they earned a decade before. Mr. President, 450 workers out of 35,000, just 1 percent, joined the high-tech industry.

Not surprisingly, high unemployment in Oregon led to higher hunger rates. Between 1999 and 2001 Oregon had the Nation's highest incidence of hunger. Now my State faces a new epidemic, that of methamphetamine.

But we might ask, how is the owl doing? The answer may surprise you. It infuriates me.

The spotted owl has become one of the most intensely studied species on earth. Ten years of research and more than 1,000 published studies detail the threats to its survival, but none is conclusive.

Most recently, in 2004, the U.S. Fish and Wildlife Service reviewed the status of the northern spotted owl. It did so at the request not of environmentalists, but the timber industry—who wanted to know if the shut-down of the forests had actually worked.

The status review introduced a new antagonist to the saga. Not the logger, but another owl. The barred owl is not native to the Pacific Northwest. It is larger, more aggressive, more success-

ful in predation and reproduces faster than the spotted owl.

No one knows for sure how the barred owl made its way to the Northwest from the east coast. Some biologists believe that, ironically, the growth and planting of trees across the Great Plains created a "tree bridge" for the barred owl to traverse the nation and into spotted owl habitat.

The Fish and Wildlife Service report found, quote:

Barred owls react more aggressively towards northern spotted owls than the reverse. There are also a few instances of barred owl aggression and predation on northern spotted owls. The information collected to date indicates that encounters between these two species tend to be agonistic in nature, and that the outcome is unlikely to favor the northern spotted owl. Given this relationship, barred owls may be able to displace or preempt northern spotted owls from territories. Further, use of more diverse habitat types and prey, may confer some competitive advantage to barred owls over northern spotted owls with respect to reproductive output.

The report cited empirical evidence that barred owls were killing the spotted owl. Here is a biologist's account of one such incident:

On 11 May 1997 at approximately 14:30 Leskiw found a freshly (blood fresh and wet) killed Spotted Owl along a trail in Redwood National Park, Humboldt County, California. Two sets of feathers were found within 60 meters of the body. The owl was decapitated, but the head could not be located. Additionally, what appeared to be several Spotted Owl feathers were seen in a tree 4 meters above the ground. Finally, the ground litter was disturbed in a 2 meter radius around the carcass, suggesting a struggle had occurred. Leskiw left the area and returned at approximately 15:30. When he returned to the kill site at 15:45, a Barred Owl spontaneously hooted nearby. . . . Gutierrez necropsied the Spotted Owl. The bird's head had been removed by disarticulation of the cervical vertebrae. The muscle from the left side of the bird's breast, side, and wing were eaten. These lines of circumstantial evidence combine to suggest that a Barred Owl indeed killed and partially consumed this Spotted Owl.

One writer put the relationship between barred and spotted owl more eloquently. She wrote:

A new twist emerges in the turf war over Pacific Northwest forests as a new adversary invades the remaining haunts of the threatened spotted owl.

Just before dawn, a chill fog drifts through the old-growth redwoods of northwestern California. A group of birders breathe out puffs of steam as they listen to the growing chorus of morning birdsong. Then the gentle sounds of kinglets and thrushes are buried under a torrent of avian rock 'n' roll as the wild, intense hoots of a barred owl ring out.

It is one of the first recorded sightings of this species in this part of California. A couple of months later an agitated barred owl will be found perched near the body of a freshly killed spotted owl in Redwood National Park, near the Oregon border, feathers of his presumed victim stuck in his talons. The latest turf war in the Pacific Northwest has reached redwood country.

Dark-eyed woodland species, the barred owl and spotted owl are cousins that look so similar that novice birders have trouble telling them apart. Until recently, the two birds never met. The barred owl haunted forests east of the Great Plains, while the spotted owl lived only in old conifer forests of the Pacific Northwest. Now the barred owl is on the move—and it is moving in on the threatened spotted owl.

Eric Forsman, the Oregon State University masters student who wrote the first major opus on the decline of the spotted owl in 1976, is now a biologist for the Forest Service and a leading researcher of the barred owl. He recently commented:

For the last thirty years we've been trying to come up with ways of protecting the spotted owl, and now all of a sudden, this huge monkey wrench gets thrown into the works. In the past, we could assume that what we were seeing in terms of habitat would help us to understand what was happening with the spotted owl. Now we don't know if spotted owls aren't there because there is no habitat for them or because of the barred owls.

A spokesperson for the Audubon Society, which led the charge to set aside spotted owl habitat in the 1980s and 90s, reacted to news of the barred owl by simply stating: "We are ambivalent."

Biologists, too, are perplexed over another question: why more old growth forest has resulted in fewer spotted owls.

A ten year review of the Clinton Northwest Forest Plan found that there are 600,000 more acres of old



growth in western Oregon and Washington than there was a decade ago.

However, the sharpest decline in spotted owl populations actually occurred where the least amount of federal timber harvest took place namely the Olympic Peninsula of Washington State. This is also the location of the greatest number of barred owls.

The spotted owl actually increased its population in southern Oregon—where the most federal harvest activity took place, and had the smallest incidence of barred owl invasion.

One thing is for certain—the future of the spotted owl is not only affected by the teeth of chainsaws, but in the bloody talon of the barred owl.

And there is a third twist. Forest fires are decimating spotted owl habitat. Over 100,000 acres of spotted owl habitat was severely burned over the last 10 years. Now, we don't clear-cut for human use, we just burn it all in wildfires.

This is the Biscuit Fire, the largest fire in Oregon's history, the most expensive to fight in Forest Service history, costing in excess of \$150 million. Shoot, folks, with \$150 million we could take care of all the problems I am talking about with Oregon counties. The Biscuit Fire incinerated 65,000 acres of the spotted owl habitat as seen in this picture. This is more than four times the amount affected by timber sales in the 50 years preceding the fire. One notable difference is that areas harvested were replanted.

So after 15 years of not logging old growth, growing new growth, and burning "protected" old growth, the Federal Government doesn't know what to do for the spotted owl. After 15 years since its listing under the ESA, the Federal Government does not even have a recovery plan for the spotted owl. And now we are hearing from the Federal Government it doesn't have much of a plan for the people whose lives were ruined.

As I stand here today, it is also clear that the Federal Government doesn't know what to do with these communities in the wake of its failed management decisions.

Let me also mention a fourth impact. This should be of particular interest to those Members concerned about the outsourcing of U.S. jobs and industries to other countries. As wood production fell on the Federal timberlands, it was replaced—board foot by board foot—by the Canadian Government in its "Crown Lands." Does anyone think the spotted owl knows the difference between the United States and Canadian borders? I don't think they know. But what we are doing now is not harvesting our land. What we are doing now is burning our land, and the Canadians are overcutting their lands.

This trend is mirrored in reverse by the blue line on this chart, showing Canadian lumber imports into this country.

The green and blue lines diverge in 1990—the years the spotted owl was

listed as threatened. The flood of Canadian imports met the ever-growing U.S. demand for lumber.

So instead of milling our lumber, harvested from our own forests, with our own environmental laws, we are exporting the impact and the jobs to other countries—other countries with fewer environmental protections and where forests regenerate more slowly.

For a further example of the outsourcing of our lumber industry, go to Hurricane Katrina in 2005. With western timber locked up in court, southern timber blown down in the storm, the administration actually floated the idea of lowering tariffs on foreign imported lumber for the Katrina rebuilding effort.

Needless to say, that concept did not move far. Plenty of lumber was reproduced for the reconstruction. Much of it was salvaged, probably from Mississippi and Louisiana.

The point here is that actions have consequences. If the United States wants to consume wood, and it should, then it needs to recognize where wood comes from. But if Americans don't want wood to come from American forests, harvested under the strictest environmental guidelines in the world, then let's face that reality. But the reality has consequences.

I wonder if I can ask for an additional 15 minutes and that will be all I will require.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. SMITH. I thank the Senator from Vermont for listening to me. I have detailed for you the dramatic story of the Federal timber in Oregon that serves as the backdrop for the issue at hand.

Beginning in the late 1980s, timber sales received the primary funding source for the 25 Percent Fund and began a precipitous decline for the reasons I have explained earlier. This plunge in receipts intensified and then bottomed out at a much lower level in the 1990s. The decline in receipts impacted rural communities in the West, particularly communities in Washington, Oregon, northern California, and Idaho.

For example, in fiscal year 1995, national forest revenues were \$557 million, only 36 percent of fiscal year 1989 peak revenues of \$1.531 billion. In fiscal year 2004 national forest revenues were \$281 million. That is from "billions" to "millions."

Payments to many States under the 25 Percent Fund Act declined by an average of 70 percent from 1986 through 1998. These are national figures. Those in Oregon were far more severe, reflecting the drastic fall in the timber sales program.

The problem was compounded because 18 Oregon counties have different revenue-sharing agreements with the Bureau of Land Management.

Mr. SANDERS. I ask the Senator to yield so I can do some housekeeping.

Mr. SMITH. If I don't lose my place.

## ADDITIONAL STATEMENTS

### HONORING JOE AND DEE SPORTS

• Mr. ISAKSON. Mr. President, today I honor two wonderful Georgians, Joe and Dee Sports of Conyers, as they celebrate 50 years of marriage.

Joe and Dee both grew up in south Georgia. Joe is a native of Douglas in Coffee County, and the former Dee Plymell hails from Thomasville. They are blessed with one daughter, Susan, and two grandsons, Ali Joseph and Amir Elias.

Joe has worn many hats over the years in Georgia and Washington including political leader, newspaper and television reporter, congressional aide and public affairs consultant. He was executive director of the Democratic Party of Georgia during the administrations of 2 Governors and served as a congressional aide to U.S. Senator David Gambrell as well as four Georgia congressmen. He began his governmental affairs firm, Joe Sports & Associates, over 25 years ago. He also edits Georgia Beat, Georgia's oldest political newsletter.

Dee is retired from the Georgia Secretary of State's office after many years of distinguished service. She now enjoys helping to raise her grandsons, who live close by with their mom.

On February 24, Joe and Dee will gather together with their family and friends to celebrate this truly momentous occasion. Although I cannot be there in person, it is a privilege to stand in this Senate and honor this tremendous milestone that embodies the profound love and commitment they have for one another. Their marriage is an inspiration to us all. •

### WE THE PEOPLE NATIONAL FINALS

• Mr. BINGAMAN. Mr. President, from April 28–30, 2007, more than 1,200 students from across the country will visit Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, an important program developed to educate young people about the U.S. Constitution and Bill of Rights. The We the People program is funded by the U.S. Department of Education and administered by the Center for Civics Education.

I am proud to announce that the State of New Mexico will be represented by a class from Highland High School from Albuquerque at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic

competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate and defend positions on relevant historical and contemporary issues. Independent studies show that students in the We the People program display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With many reports and surveys indicating the lack of civic knowledge and civic participation, I am pleased to support such a valuable program that is producing an enlightened and engaged citizenry.

The names of these outstanding students from Highland High School are:

Aaron A. Adams, Allison J. Anglin, Richard S. Baca, Laura E. Baldwin, Kristy R. Calderon, Daniel Chavez, Danielle N. Easley, Heather L. Goldberg, Gabriel J. Hogan, Peyton K. Holloway, Martha A. Muna, Denise H. Ortiz, Milagro Padilla, Catherine U. Pham, Long Pham, Mark Ridder, Evan D. Root, Whitney A. Sousa, and Ruby R. Watkins.

I also wish to commend the teachers of the class, Bob Coffey and Steve Seth, who are responsible for preparing these young contestants for the national finals. Also worthy of special recognition is Dora Marroquin, the State coordinator, and Patricia Carpeneter, the district coordinator, who are among those responsible for implementing the We the People program in my State.

I wish these students much success as they prepare to compete at the We the People national finals and applaud their great achievement.●

#### IN MEMORY OF LEO T. MCCARTHY

● Mrs. BOXER. Mr. President, today I ask my colleagues to honor the memory of one of California's great law-makers and dedicated public servants, former California Lieutenant Governor and State Assembly Speaker Leo T. McCarthy. Leo passed away in San Francisco on February 5, 2007 at the age of 76. He leaves behind a legacy of commitment to California.

Leo was born in Auckland, New Zealand in 1930. When he was 3, his family moved to San Francisco's Mission District. Leo served in the Korean war, in the intelligence unit of the Strategic Air Command. He studied history at the University of San Francisco, USF, before entering USF law school. Leo began his political career through work on various political campaigns during law school.

Leo was first elected to the San Francisco Board of Supervisors in 1963, when at the age of 33, he became the youngest supervisor in San Francisco history. One of his enduring legacies is the creation of the San Francisco Human Rights Commission. He also protected San Francisco's precious

open spaces. During this time, he was appointed by then Governor Edmund "Pat" Brown to the Commission on Aging, where he demonstrated his devotion to aging issues which continued throughout his career.

He was elected to the California State Assembly in 1968 and became the powerful Speaker of the Assembly in 1974. He helped bring more openness and efficiency to the legislature. He also promoted gay rights and coastal protection.

Leo served three terms as lieutenant governor from 1983-1995. As lieutenant Governor, he was active with the State Lands Commission and public education through the University of California. Lieutenant Governor McCarthy helped coordinate California's disaster relief efforts following the Loma Prieta earthquake. As a member of Congress, I was proud to work with Leo on this disaster relief effort. I am so pleased that our paths crossed many times over the years on so many important issues.

Leo retired from politics in 1994. He helped establish the Leo T. McCarthy Center for Public Service and the Common Good at USF in 2002. The Center "seeks to inspire and equip students for lives and careers of ethical public service and serving others." The Center speaks volumes about Leo's lifelong commitment to open government and public service.

Leo McCarthy was a highly respected and beloved political leader in California. My heart goes out to Leo's family and friends. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his spirit, his vision, and his leadership. He is survived by his wife Jackie; 4 children, Sharon, Conna, Adam and Niall; and his 11 grandchildren.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

#### REPORT RELATIVE TO THE EXPORT OF ITEMS TO THE PEOPLE'S REPUBLIC OF CHINA—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

#### *To the Congress of the United States:*

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify that the export to the People's Republic of China of the following items is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China:

Twenty Honeywell model QA 750 accelerometers to be incorporated into railway geometry measurement systems for China's Ministry of Railways.

Equipment and technology associated with the production and testing of composite components for Boeing commercial aircraft.

GEORGE W. BUSH.

THE WHITE HOUSE, February 11, 2007.

#### ECONOMIC REPORT OF THE PRESIDENT DATED FEBRUARY 2007 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2007—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

#### ECONOMIC REPORT OF THE PRESIDENT

#### *To the Congress of the United States:*

Economic growth in the United States has been above the historic average and faster than any other major industrialized economy in the world. January was the 41st month of uninterrupted job growth produced by this economy, in an expansion that has thus far added more than 7.4, million new jobs. Unemployment is low, inflation is moderate, and real wages are rising. Our economy is on the move and we can keep it that way continuing to pursue sound economic policy based on free-market principles.

Sound economic policy begins with low taxes. We should work together to spend the taxpayers' money wisely and to tackle unfunded liabilities inherent in entitlement programs such as Social Security, Medicare, and Medicaid. I have laid out a detailed plan in my budget to restrain spending, cut earmarks in half by the end of this session, and balance the budget by 2012 without raising taxes. The tax relief of

the past few years has been a ingredient in growing our economy, and it should be made permanent.

Our growing economy is dynamic. The rise of new technologies, new competition, and new markets abroad is changing how we do business. We need to take action in four key areas to keep America's economy flexible and dynamic.

First, we must break down barriers to trade so our workers can sell more goods and services to the 95 percent of the world's customers who live outside of our borders. Global trade talks like the Doha Round at the World Trade Organization have the potential to level the playing field so we can compete on fair terms in foreign markets, while helping lift millions of people out of poverty around the world.

The only way we can complete the Doha Round and make headway on other trade agreements is to extend Trade Promotion Authority, which is set to expire on July 1st. This authority is essential to completing good trade agreements. The Congress must renew it if we are to improve our competitiveness in the global economy.

Second, we must work to make private health insurance more affordable and to give patients more choices and control over their health care. One of the most promising ways to do this is by reforming the tax code. We must end the unfair bias against individuals who buy insurance on their own. I propose creating a standard deduction for every American who buys health insurance, whether they get it through their jobs or on their own. In a changing economy, we need a health care system that is flexible and consumer-oriented. With this reform, more than 100 million Americans who are now covered by employer-provided insurance will benefit from lower tax bills. Those who now purchase health insurance on their own would save money on their taxes. Millions of others who now have no health insurance at all would find basic private coverage within their reach. My proposal also taps the innovation of States in making basic, affordable insurance available to all by creating Affordable Choices grants to help ensure the poor and the sick have access to private health insurance.

Third, we must continue to diversify our energy supply to benefit our economy, national security, and environment. In my State of the Union Message, I set an ambitious goal of reducing gasoline usage in the United States by 20 percent over the next 10 years. Meeting this goal will require significant changes in supply and demand, but we should let the market decide the best mix of technologies and fuels to most efficiently attain it. On the supply side, I propose a higher and reformed fuel standard that would include renewable and other alternative fuels. We should also allow environmentally friendly exploration of oil and natural gas. On the demand side, I propose enhancing Corporate Average

Fuel Economy standards for cars and extending the current rule for light trucks, so that we can reduce the amount of gasoline that our passenger vehicles consume, and do so in a more efficient way.

Fourth, a strong and vibrant education system is vital to maintaining our Nation's competitive edge in the world and extending economic opportunity to every citizen here at home. Five years ago, we rose above partisan differences to enact the No Child Left Behind Act, preserving local control, raising standards, holding schools accountable for results, and providing more choice. This year, we must reauthorize and strengthen this good law preserving its core principles.

Strong productivity growth underlies much of the good economic news from the past few years and the policies discussed above. Productivity growth helps to increase our standards of living and improve our international competitiveness. To maintain this progress, we must pursue a variety of growth policies, including those contained in the American Competitiveness Initiative and comprehensive immigration reform.

These and other issues are discussed in the 2007 Annual Report of the Council of Economic Advisers. The Council has prepared this Report to put into broader context the economic issues that underlie my Administration's policy decisions. I commend it to you.

GEORGE W. BUSH.

THE WHITE HOUSE, February 2007.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on today, February 12, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House had passed the following bill, in which it requests the concurrence of the Senate:

H.R. 547. An act to facilitate the development of markets for biofuels and Ultra Low Sulfur Diesel fuel through research and development and data collection.

#### MESSAGE FROM THE HOUSE

#### ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on February 8, 2007, he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-728. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Thomas L. Baptiste, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-729. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure on Rescission Request Procedures" (Rev. Proc. 2007-21) received on February 6, 2007; to the Committee on Finance.

EC-730. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2007-20) received on February 6, 2007; to the Committee on Finance.

EC-731. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Updated Mortality Tables for Determining Current Liability" ((RIN1545-BE72)(TD 9310)) received on February 6, 2007; to the Committee on Finance.

EC-732. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Transfers of Stock or Securities by U.S. Persons to Foreign Corporations" ((RIN1545-BG10)(TD 9311)) received on February 6, 2007; to the Committee on Finance.

EC-733. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on Section 936 Exit Strategies" (Secondary Audit Index Number LMSB-04-0107-002) received on February 6, 2007; to the Committee on Finance.

EC-734. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a report relative to standards and requirements for royalty relief for marginal properties for oil and gas leases on the Outer Continental Shelf; to the Committee on Energy and Natural Resources.

EC-735. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Florida: Emissions Guidelines for Small Municipal Waste Combustion Units" (FRL No. 8276-7) received on February 7, 2007; to the Committee on Environment and Public Works.

EC-736. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to the Minor New Source Review Program" (FRL No. 8276-3) received on February 7, 2007; to the Committee on Environment and Public Works.

EC-737. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 8249-2) received on February 7, 2007; to the Committee on Environment and Public Works.

EC-738. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the justification of its budget estimates for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-739. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Office's budget request for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-740. A communication from the Director, Office of Personnel Management, transmitting, a report of proposed legislation relative to making corrections to the process for certification of Federal agencies' performance appraisal systems; to the Committee on Homeland Security and Governmental Affairs.

EC-741. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Privacy Activity Report for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-742. A communication from the Director, Financial Management, Government Accountability Office, transmitting, pursuant to law, the annual report of the Comptrollers' General Retirement System for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-743. A communication from the General Counsel, Department of Defense, transmitting a report of proposed legislation entitled "National Defense Authorization Bill for Fiscal Year 2008"; to the Committee on Armed Services.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 214. A bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska (for himself, Mr. BUNNING, Ms. STABENOW, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. REED, Mrs. CLINTON, and Mr. MENENDEZ):

S. 543. A bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, and Mr. ISAKSON):

S. 544. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Finance.

By Mr. LOTT:

S. 545. A bill to improve consumer access to passenger vehicle loss data held by insur-

ers; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 546. A bill to amend title XXI of the Social Security Act to make available additional amounts to address funding shortfalls in the State Children's Health Insurance Program for fiscal year 2007; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mrs. MCCASKILL):

S. 547. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. BENNETT, Ms. CANTWELL, Mr. CARDIN, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, and Mr. STEVENS):

S. 548. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. REED, and Mr. BROWN):

S. 549. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 550. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, and Mr. ISAKSON):

S. 551. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 552. A bill to provide for the tax treatment of income received in connection with the litigation concerning the Exxon Valdez oil spill and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 553. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN:

S. 554. A bill to reduce the Federal budget deficit, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. BOND, and Mr. BINGAMAN):

S. 555. A bill to amend the Internal Revenue Code of 1986 to allow small businesses to set up simple cafeteria plans to provide nontaxable employee benefits to their employees, to make changes in the requirements for cafeteria plans, flexible spending accounts, and benefits provided under such plans or accounts, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. ENZI, Mr. DODD, and Mr. ALEXANDER):

S. 556. A bill to reauthorize the Head Start Act, and for other purposes; to the Com-

mittee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. NELSON of Florida, Mrs. DOLE, Ms. STABENOW, and Mr. KYL):

S. 557. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. ENZI, Mr. BROWN, Mr. SMITH, Mr. FEINGOLD, Mr. COLEMAN, Mr. LAUTENBERG, Mr. WARNER, Mrs. BOXER, Ms. MURKOWSKI, Mr. AKAKA, Mr. ROBERTS, Mr. CARDIN, Mr. HATCH, Ms. CANTWELL, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, Mr. BIDEN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 558. A bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself and Mr. BROWNBACK):

S. Res. 77. A resolution expressing support for the Transitional Federal Government of the Somali Republic; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mr. REID, Mr. KENNEDY, Mr. SCHUMER, Ms. MIKULSKI, Mr. CARDIN, Mr. LIEBERMAN, Mr. BROWN, Mr. KERRY, Mr. LUGAR, Mr. SANDERS, Mr. CRAPO, Mr. MENENDEZ, Ms. LANDRIEU, Ms. CANTWELL, Mr. LEVIN, Mr. WHITEHOUSE, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. BIDEN, Mr. WEBB, Mr. BYRD, Mr. ROCKEFELLER, Mr. STEVENS, Mr. WARNER, Mr. CASEY, and Mr. BAUCUS):

S. Con. Res. 10. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 52

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 52, a bill to amend the Tennessee Valley Authority Act of 1933 to increase the membership of the Board of Directors and require that each State in the service area of the Tennessee Valley Authority be represented by at least 1 member.

S. 98

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 98, a bill to foster the development of minority-owned small businesses.

S. 117

At the request of Mr. OBAMA, the names of the Senator from New York (Mr. SCHUMER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. BIDEN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 179

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 179, a bill to amend title 10, United States Code, to establish the position of Deputy Secretary of Defense for Management, and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 214

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 238

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 238, a bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 270

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 270, a bill to permit startup partner-

ships and S corporations to elect taxable years other than required years.

S. 304

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 304, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 331

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 331, a bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

S. 402

At the request of Mrs. LINCOLN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 407

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 407, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes.

S. 430

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 430, *supra*.

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 430, *supra*.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 466

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 466, a bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program.

S. 494

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 494, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

S. 496

At the request of Mr. VOINOVICH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 496, a bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. RES. 33

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 33, a resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

AMENDMENT NO. 242

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of amendment No. 242 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 246

At the request of Mr. MARTINEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 246 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

## AMENDMENT NO. 248

At the request of Mr. MARTINEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 248 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself, Mr. BUNNING, Ms. STABENOW, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. REED, Mrs. CLINTON, and Mr. MENENDEZ):

S. 543. A bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I am introducing the Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007 to make changes to a rule issued by the Centers for Medicare and Medicaid Services, CMS, which has restricted the ability of rehabilitation hospitals to provide critical care.

In my home State of Nebraska, Madonna Rehabilitation Hospital in Lincoln is a nationally recognized premier rehabilitation facility offering specialized programs and services for those who have suffered brain injuries, strokes, spinal cord injuries, and the latest care for cardiac, pulmonary, cancer, pain, and joint replacement patients. If the CMS rule is not updated, Madonna and other facilities will not be able to continue to offer critical care to patients eager to restore their past health and physical function.

When CMS first looked at whether facilities would qualify as inpatient rehabilitation facilities, IRFs, a list of criteria were created to determine eligibility. The narrow criteria, generally referred to as the "75-percent rule," were first established in 1984, but were never strictly enforced and ultimately suspended in 2002 due to inconsistencies in accurately determining medical necessity.

Since establishing strict enforcement of the 75-percent rule in 2004, field data estimates that as many as 88,000 Medicare patients have been denied critical IRF services. The rule will, by CMS's own estimate, shift thousands of patients both Medicare and non-Medicare into alternative care settings which may be inappropriate and inadequate. Bipartisan Congressional efforts have repeatedly petitioned both the U.S. Department of Health and Human Services and CMS for cooperation in averting an escalation of the 75-percent threshold, which currently stands at 60 percent.

For cost-reporting periods beginning July 1, 2007, the compliance threshold

is scheduled to jump to 65 percent, with full 75-percent implementation scheduled for July 2008. If legislative action is not taken, IRFs will be forced to turn away more and more patients in order to operate as rehabilitation hospitals or units. By freezing the compliance threshold at 60 percent and ending the inconsistent and unpredictable use of fiscal intermediaries' local coverage determinations, our efforts will ensure that patients across America will continue to have access to the rehabilitation care they need.

I am pleased a bipartisan group of Senate Finance Committee; Health, Education, Labor, and Pension Committee; and Special Committee on Aging members have joined me in supporting this legislation. In addition, the American Association of People with Disabilities, the American Academy of Physical Medicine and Rehabilitation, the American Hospital Association, the American Medical Rehabilitation Providers Association, the Federation of American Hospitals, and numerous other associations and advocacy groups have endorsed our bill. Just as I have heard from patients and medical providers who have experienced problems with the 75-percent Rule, my colleagues and the members of these associations have witnessed the devastating effect this rule is having on those who need this type of critical care.

I urge my colleagues to join Senators JIM BUNNING, DEBBIE STABENOW, OLYMPIA SNOWE, JOHN KERRY, SUSAN COLLINS, JACK REED, HILLARY CLINTON, ROBERT MENENDEZ and me in supporting this important bill. My colleagues and I are determined to resolve this lingering problem and return medical necessity decisions back into the hands of medical providers, while ensuring access to improved inpatient rehabilitation care. The Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007 is a top priority, and I look forward to its passage this year.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mrs. McCASKILL):

S. 547. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with my good friend and partner on the Oversight of Government Management Subcommittee, Senator AKAKA, to address the critical management challenges facing the Department of Homeland Security (DHS). I am pleased to have Senators LEVIN and McCASKILL as original cosponsors of this measure.

The legislation would elevate the role and responsibilities of the current Under Secretary for Management of the Department to a Deputy Secretary of Homeland Security for Management. The language preserves the authority

of the Secretary and Deputy Secretary of DHS as the first-and second-highest ranking Department officials, respectively. The individual appointed as the Deputy Secretary for Management would serve a five year term and be the third highest ranking official at the Department. A term would provide management continuity at the Department during times of leadership transition, such as following a presidential election.

The role and responsibilities of the Deputy Secretary for Management would include serving as the Chief Management Officer and principal advisor to the Secretary on the management of the Department. The Deputy Secretary for Management would also be responsible for strategic and annual performance planning, identification and tracking of performance measures, as well as the integration and transformation process in support of homeland security operations and programs.

The division of labor between the Deputy Secretary and the new Deputy Secretary for Management will be similar to the leadership structure at the Office of Management and Budget. The Deputy Secretary will continue to be the Secretary's first assistant on all policy matters, while the newly created Deputy Secretary for Management will be the Secretary's principal advisor on the development of sustained, long-term management strategies.

I offer this legislation today because of my belief that the existing Under Secretary position lacks sufficient authority to direct the type of sustained leadership and overarching management integration and transformation strategy that is needed department-wide.

There continue to be significant management challenges associated with integrating the Department of Homeland Security, whose creation represented the single largest restructuring of the Federal Government since the creation of the Department of Defense in 1947. In addition to its complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery leadership of the Department of Homeland Security has the enormous task of unifying 180,000 employees from 22 disparate Federal agencies.

Since 2003, the Government Accountability Office (GAO) has included implementing and transforming the Department of Homeland Security on its high-risk list of programs susceptible to waste, fraud, abuse, and mismanagement. In announcing its 2007 high-risk list, Comptroller General Walker said that, "The array of management and programmatic challenges continues to limit DHS's ability to carry out its roles under the National Homeland Security Strategy in an effective risk-based way."

Similarly, in December 2005, the DHS Inspector General issued a report warning of major management challenges facing the Department of Homeland



Security. The report noted that although progress has been made since the Department's inception, "Integrating its many separate components in a single, effective, efficient, and economical Department remains one of DHS' biggest challenges."

The Department's own Performance and Accountability Report, released in November 2006, states that it did not meet its strategic goal of "providing comprehensive leadership and management to improve the efficiency and effectiveness of the Department," further underscoring the need for good management.

The Homeland Security Advisory Council Culture Task Force Report, published in January 2007, detailed persisting organizational challenges within DHS, and prescribed leadership and management models designed to empower employees, foster collaboration, and encourage innovation. The third recommendation of the report is that the Department establish an operational leadership position. The report noted, "Alignment and integration of the DHS component organizations is vital to the success of the DHS mission. The CTF believes there is a compelling need for the creation of a Deputy Secretary for Operations (DSO) who would report to the Secretary and be responsible for the high level Department-wide measures aimed at generating and sustaining seamless operational integration and alignment of the component organizations."

The creation of the Deputy Secretary for Management will help address the concerns outlined by GAO, the DHS Inspector General, the Homeland Security Advisory Council, and the Department itself.

As former Chairman and now Ranking Member of the Oversight of Government Management Subcommittee, improving the management structure at the Department has been one of my top priorities. The Subcommittee's Chairman, Senator AKAKA, and I have been committed to ensuring that DHS has the proper tools to make continual improvements in its operations. It has become clear that the Department needs a stronger management focus to enable programmatic and operational success. Congress must act to strengthen the management function at DHS.

During my long career in public service, including as a Mayor and Governor, I have repeatedly observed that the path to organizational success lies in adopting best practices in management, including strategic planning, performance and accountability measures, and effectively leveraging human capital. When instituting reforms as Mayor and Governor, individuals tasked with implementation would tell me, "We don't have time for Total Quality Management; we are too busy putting out fires." I appreciate that DHS is also busy putting out fires. But the connection between good management practices and operational success should not be lost.

With the four year anniversary of the Department only weeks away, we must be honest about the remaining management challenges it faces. The legislation I offer today provides the focused, high-level attention that will result in effective management reform. I believe this legislation is vital to the Department's success. I urge my colleagues to join me in supporting this legislation.

Mr. AKAKA. Mr. President, I am extremely pleased to join with my good friend, the senior Senator from Ohio, in reintroducing legislation today to establish a Deputy Secretary for Management who would be the chief management officer at the Department of Homeland Security (DHS). I am especially pleased that we are joined by two of our colleagues on the Homeland Security and Governmental Affairs Committee, Senator LEVIN, who is also the chairman of the Armed Services Committee, and Senator MCCASKILL.

The Department of Homeland Security continues to face serious challenges, some of which stem from integrating 22 separate entities with existing management problems into one agency. Such a broad, large-scale merger is why the Government Accountability Office (GAO) continues to place DHS on the GAO High-Risk List. Our bill would assign overall management responsibilities to one individual who would be accountable for leading and instituting change. A Deputy Secretary for Management would provide the leadership necessary to move forward and sustain these needed changes. This presidentially appointed and Senate-confirmed individual, who will have a term of office of five years, would serve as a bridge between political appointees and career employees. Changing agency culture is difficult and takes time. As Comptroller General David Walker notes, successful transformation initiatives in large private and public sector organizations can take at least five to seven years.

In addition to serving as chairman of Oversight of Government Management Subcommittee, I am also the chairman of the Armed Services Readiness and Management Support Subcommittee, and I have witnessed firsthand how the Department of Defense (DoD) continues to struggle with business modernization despite clear congressional directives to do so. We cannot afford to allow the Department of Homeland Security, which has an extremely complex and critical mission, to be affected by the same management problems facing DoD. Our bill is born out of our concern and frustration that DHS is not doing better. We believe elevating the Under Secretary for Management to the Deputy Secretary level will provide DHS the necessary tools needed to avoid making the same mistakes as DoD. Having a single focus for key management functions, such as human capital, financial management, information technology, acquisition management, and performance management are essential if DHS is to avoid

the stovepipe style of management at DoD.

A Deputy Secretary for Management would bring needed attention to management issues and transformational change; would integrate various key operational and transformation efforts; and would institutionalize accountability for addressing management issues and leading change. Our bill enhances, not diminishes, the ability of the Secretary and Deputy Secretary of DHS to focus on policy decisions while leaving the management efforts to the Deputy Secretary for Management. It is good business practice to have one individual responsible for integrating strategic plans and overseeing change.

I would like to note that the Homeland Security Advisory Council, established to advise and make recommendations to the Secretary of the Department of Homeland Security, created a Culture Task Force (CTF) at the request of Secretary Chertoff in June 2006. The CTF issued its recommendations to the Secretary last month. The January 2007 Report of the Homeland Security Culture Task Force recommends establishing an operational leadership position, "who would report to the Secretary and be responsible for the high level Department-wide measures aimed at generating and sustaining operational integration and alignment of the component organizations."

Congress has a responsibility to ensure that agencies are instituting sound management practices that will empower agencies to spend taxpayer dollars more wisely while carrying out critical missions. A fully accountable chief management officer at DHS will make the difference by ensuring strong leadership over essential government programs.

By Mr. LEAHY (for himself, Mr. BENNETT, Ms. CANTWELL, Mr. CARDIN, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, and Mr. STEVENS):

S. 548, A bill amend the Internal Revenue code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor, to the Committee on Finance.

Mr. LEAHY. Mr. President, today we reintroduce the "Artist-Museum Partnership Act," and once again, I am pleased to be joined in this effort by Senator BENNETT. This bipartisan legislation would enable our country to keep cherished art works in the United States and to preserve them in our public institutions. At the same time, this legislation will erase an inequity in our tax code that currently serves as a disincentive for artists to donate their works to museums and libraries.

We have introduced this same bill in each of the past four Congresses. It was also included in the Senate-passed version of the 2001 tax reconciliation bill, the Senate-passed version of the 2003 Charity Aid, Recovery, and Empowerment (CARE) Act, and the Senate-passed version of the 2005 tax reconciliation bill. I would like to thank Senators CANTWELL, CARDIN, COCHRAN, COLEMAN, CONRAD, DODD, DOMENICI, DURBIN, FEINSTEIN, KENNEDY, KERRY, LIEBERMAN, SANDERS, SCHUMER, and STEVENS for cosponsoring this tri-partisan bill.

Our bill is sensible and straightforward. It would allow artists, writers, and composers to take a tax deduction equal to the fair market value of the works they donate to museums and libraries. This is something that collectors who make similar donations are already able to do. Under current law, artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper and ink, which does not even come close to their true value. This is unfair to artists, and it hurts museums and libraries—large and small—that are dedicated to preserving works for posterity. If we as a Nation want to ensure that works of art created by living artists are available to the public in the future—for study and for pleasure—this is something that artists should be allowed to do.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters, and strengthens a bond with Vermont, its landscape, its beauty, and its cultural heritage. Anyone who has contemplated a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. Losses to the public like this are an unintended consequence of the 1969 tax bill that should be corrected.

Congress changed the law for artists more than 30 years ago in response to the perception that some taxpayers

were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations.

Under our legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes and could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution that did not intend to use the work in a manner related to the function constituting the recipient's exemption under Section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works or related activities.

This bill would also correct another disparity in the tax treatment of self-created works—how the same work is treated before and after an artist's death. While living artists may only deduct the material costs of donations, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

I want to thank my colleagues again for cosponsoring this bipartisan legislation. The time has come for us to correct an unintended consequence of the 1969 law and encourage rather than discourage the donations of art works by their creators. This bill will make a crucial difference in an artist's decision to donate his or her work, rather than sell it to a private party where it may become lost to the public forever. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 548

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Artist-Museum Partnership Act".

#### SEC. 2. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

“(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

“(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. KENNEDY (for himself,  
Ms. SNOWE, Mr. REED, and Mr.  
BROWN):

S. 549. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SNOWE in introducing “The Preservation of Antibiotics for Medical Treatment Act of 2007.” I am also pleased that this year we are joined by Senator SHERROD BROWN, who championed this legislation so ably as a member of the House of Representatives.

Our goal in this important initiative is to take needed action to preserve the effectiveness of antibiotics in treating diseases. These drugs are truly modern medical miracles. During World War II, the newly developed “wonder drug” penicillin revolutionized care for our soldiers wounded in battle. Since then, such drugs have become indispensable in modern medicine, protecting all of us from deadly infections. They are even more valuable today, safeguarding the Nation from the threat of bioterrorism.

Unfortunately, in recent years, we have done too little to prevent the emergence of antibiotic-resistant strains of bacteria and other germs, and many of our most powerful drugs are no longer effective.

Partly, the resistance is the result of over-prescribing such drugs in routine medical care. Mounting evidence shows that indiscriminate use of such drugs in animal feed is also a major factor in the development of antibiotic resistant germs.

Obviously, if animals are sick, whether as pets or livestock, they should be treated with the best veterinary medications available. That is not the problem. The problem is the widespread use of antibiotics to promote growth and fatten healthy livestock. Such nontherapeutic use clearly undermines the effectiveness of these important drugs, because it leads to greater

development of antibiotic-resistant bacteria that can make infections in humans difficult or impossible to treat.

In 1998—nine years ago—a report prepared at the request of the Department of Agriculture and the Food and Drug Administration by the National Academy of Sciences, concluded: “There is a link between the use of antibiotics in food animals, the development of bacterial resistance to these drugs, and human disease.” The World Health Organization has specifically recommended that antibiotics used to treat humans should not be used to promote animal growth, although they could still be used to treat sick animals.

In 2001, a Federal interagency task force on antibiotic resistance concluded that “drug-resistant pathogens are a growing menace to all people, regardless of age, gender, or socio-economic background. If we do not act to address the problem . . . [d]rug choices for the treatment of common infections will become increasingly limited and expensive—and, in some cases, nonexistent.”

The Union of Concerned Scientists estimates that 70 percent of all U.S. antibiotics are used nontherapeutically in animal agriculture—8 times more than are used in all of human medicine. This indiscriminate use clearly reduces their potency.

Major medical associations have been increasingly concerned, and have taken strong stands against antibiotic use in animal agriculture. In June 2001, the American Medical Association adopted a resolution opposing nontherapeutic use of antibiotics in animals. Other professional medical organizations that have taken similar stands include the American College of Preventive Medicine, the American Public Health Association, and the Council of State and Territorial Epidemiologists. The legislation we are offering has been strongly endorsed by the American Public Health Association and numerous other groups and independent experts in the field.

Ending the current detrimental practice is feasible and cost-effective. Last month an economic study by researchers at Johns Hopkins University examined data from the poultry producer Perdue. In this study of 7 million chickens, the slight benefit from the nontherapeutic use of antibiotics was more than offset by the cost of purchasing antibiotics.

In fact, most of the developed countries in the world, except for the United States and Canada, already restrict the use of antibiotics to promote growth in raising livestock. In 1999, the European Union banned such use, and funds saved on drugs have been invested in improving hygiene and animal husbandry practices. Researchers in Denmark found a dramatic decline in the number of drug-resistant organisms in animals—and no significant increase in animal diseases or consumer prices.

These results have encouraged clinicians and researchers to call for a similar ban in the United States. The title of an editorial in the *New England Journal of Medicine* 6 years ago said it all: “Antimicrobial Use in Animal Feed—Time to Stop.”

In the last Congress, over 350 organizations representing scientific and medical associations, consumer and environmental groups as well as animal rights and religious groups endorsed this legislation and called for an end to the reckless and irresponsible use of these critically important medicines.

The Nation is clearly at risk of an epidemic outbreak of food poisoning caused by drug-resistant bacteria or other germs. In recent years, many nations, including the United States, have been plagued by outbreaks of food-borne illnesses. Imagine the consequences of an outbreak caused by a strain of bacteria immune to any drugs we have. It is time to put public safety first and stop this promiscuous use of drugs essential for protecting human health.

The bill we are introducing will phase out the non-therapeutic use in livestock of medically important antibiotics, unless manufacturers can demonstrate that such use is no danger to public health. The Act applies this same strict standard to applications for approval of new animal antibiotics. Such use is not restricted if the animals are sick, or if they are pets or are animals not used for food. In addition, FDA is also given authority to restrict the use of important drugs to treat such animals, if risk to humans is in question.

According to the National Academy of Sciences, eliminating the use of antibiotics as feed additives in agriculture will cost each American consumer not more than five to ten dollars a year. The legislation recognizes, however, that economic costs to farmers in making the transition to antibiotic-free practices may be substantial. In such cases, the Act provides for Federal payments to defray the cost of shifting to antibiotic-free practices, with special preference for family farms.

Antibiotics are one of the great miracles of modern medicine. Yet today, we are destroying them faster than the pharmaceutical industry can replace them with new discoveries. If doctors lose these vital medications, the most vulnerable Americans will suffer the most—children, the elderly, persons with HIV/AIDS, and others who are most in danger of drug resistant infections. I urge my colleagues to support this clearly needed legislation to protect the health of all Americans from the reckless and unjustified use of antibiotics.

Ms. SNOWE. Mr. President, today we face concerns about infectious disease which few could have anticipated. Over a half century ago, following the development of modern antibiotics, Nobel Laureate Sir McFarland Burnet

summed up what many experts believed when he stated, "One can think of the middle of the twentieth century as the end of one of the most important social revolutions in history, the virtual elimination of infectious diseases as a significant factor in social life."

How things have changed! Today we face grave concern about pandemic influenza, and in fact every day many of the most serious health threats come from infectious diseases. When we consider the greatest killers—HIV, tuberculosis, malaria—it is clear that infectious diseases have not abated. At the same time we have seen an alarming trend as existing antibiotics are becoming less effective in treating infections. We know that resistance to drugs can be developed, and that the more we expose bacteria to antibiotics, the more resistance we will see. So it is critical to address preserving lifesaving antibiotic drugs for use in treating disease.

Today over nine out of ten Americans understand that resistance to antibiotics is a problem. Most Americans have learned that that colds and flu are caused by viruses, and recognize that treating a cold with an antibiotic is inappropriate. Our health care providers are more careful to discriminate when to use antibiotics, because they know that when a patient who has been inappropriately prescribed an antibiotic actually develops a bacterial infection, it is more likely to be resistant to treatment.

When we overuse antibiotics, we risk eliminating the very cures which scientists fought so hard to develop. The threat of bioterrorism amplifies the danger. I have supported increased NIH research funding, as well as Bioshield legislation, in order to promote development of essential drugs, both to address natural and man-made threats. It is so counterproductive to develop antimicrobial drugs and see their misuse render them ineffective.

Yet every day in America antibiotics continue to be used in huge quantities for no treatment purpose whatsoever. I am speaking of the non-therapeutic use of antibiotics in agriculture. Simply put, the practice of feeding antibiotics to healthy animals jeopardizes the effectiveness of these medicines in treating ill people and animals.

Recognizing the public health threat caused by antibiotic resistance, Congress in 2000 amended the Public Health Threats and Emergencies Act to curb antibiotic overuse in human medicine. Yet today, it is estimated that 70 percent of the antimicrobials used in the United States are fed to farm animals for non-therapeutic purposes including growth promotion, poor management practices and crowded, unsanitary conditions.

In March 2003, the National Academies of Sciences stated that a decrease in antimicrobial use in human medicine alone will not solve the problem of drug resistance.

Substantial efforts must be made to decrease inappropriate overuse of antibiotics in animals and agriculture.

Two years ago five major medical and environmental groups—the American Academy of Pediatrics, the American Public Health Association, Environmental Defense, the Food Animal Concerns Trust and the Union of Concerned Scientists—jointly filed a formal regulatory petition with the U.S. Food and Drug Administration urging the agency to withdraw approvals for seven classes of antibiotics which are used as agricultural feed additives. They pointed out what we have known for years—that antibiotics which are crucial to treating human disease should never be used except for their intended purpose—to treat disease.

In a study reported in the New England Journal of Medicine, researchers at the Centers for Disease Control and Prevention found 17 percent of drug-resistant staph infections had no apparent links to health-care settings. Nearly one in five of these resistant infections arose in the community—not in the health care setting. We must do more to address inappropriate antibiotic use in medicine, the use of these drugs in our environment cannot be ignored.

This is why I have joined with Senator KENNEDY in again introducing the "Preservation of Antibiotics for Medical Treatment Act". This bill phases out the nontherapeutic uses of critical medically important antibiotics in livestock and poultry production, unless their manufacturers can show that they pose no danger to public health.

Our legislation requires the Food and Drug Administration to withdraw the approval for nontherapeutic agricultural use of antibiotics in food-producing animals if the antibiotic is used for treating human disease, unless the application is proven harmless within two years. The same tough standard of safety will apply to new applications for approval of animal antibiotics.

This legislation places no unreasonable burden on producers. It does not restrict the use of antibiotics to treat sick animals, or for that matter to treat pets and other animals not used for food. The Act authorizes Federal payments to small family farms to defray their costs, and it also establishes research and demonstration programs that reduce the use of antibiotics in raising food-producing animals. The Act also requires data collection from manufacturers so that the types and amounts of antibiotics used in animals can be monitored.

As we are constantly reminded, the discovery and development of a new drug can require great time and expense. It is simply common sense that we preserve the use of the drugs which we already have, and use them appropriately. I call on my colleagues to support us in this effort.

By Mr. AKAKA (for himself, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 550. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce legislation that would preserve existing seats on the District of Columbia Superior Court. I am pleased that Senators VOINOVICH and LIEBERMAN are joining me in this effort.

As my colleagues know, the Superior Court is the trial court of general jurisdiction over local matters in the District of Columbia. When a vacancy on the court occurs, the District of Columbia Judicial Nominations Commission solicits applicants to fill the vacancy and sends three names to the President. The President then selects one candidate and sends the individual's nomination to the Senate for confirmation. Existing law caps the total number of judges on the Superior Court at 59.

However, the District of Columbia Family Court Act of 2001 created three new seats for the Family Court, which is a division of the Superior Court, but failed to increase the overall cap on the number of judges seated on the court. As a result, three existing seats in the other divisions of the court—including the criminal, civil, probate, and tax divisions—were effectively eliminated. Therefore, when vacancies in those divisions occur, new judges cannot be seated.

Ever since the Family Court Act became law, the Homeland Security and Governmental Affairs Committee and the Senate has been in the untenable position of delaying the confirmation of judicial nominees when the cap has been reached. The end result is that residents of DC will face delay of justice due to a lack of judicial personnel.

The bill we introduce today would address this problem by amending the DC Code to increase the cap on the number of associate judges on the Superior Court. Similar legislation introduced by my good friend Senator COLLINS in both the 108th and 109th Sessions of Congress was favorably reported by the Committee on Homeland Security and Governmental Affairs and passed by the Senate. I urge my colleagues to once again support this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 550

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. COMPOSITION OF SUPERIOR COURT.

Section 903 of title 11 of the District of Columbia Code is amended by striking "fifty-eight" and inserting "61".

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 552. A bill to provide for the tax treatment of income received in connection with the litigation concerning the Exxon Valdez oil spill and for other purposes; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help the commercial fishermen and others whose livelihoods were negatively impacted by the Exxon Valdez oil spill. I am pleased to have Mr. STEVENS join me in introducing this important legislation.

The Exxon Valdez ran aground on Bligh Reef on March 24, 1989, spilling 11 million gallons of oil into Prince William Sound in Alaska. A class action jury trial was held in Federal court in Anchorage, AK, in 1994. The plaintiffs included 32,000 fishermen among others whose livelihoods were gravely affected by this disaster. The jury awarded \$5 billion in punitive damages to plaintiffs. The punitive damage award has been on repeated appeal by the Exxon Corporation since 1994. Many of the original plaintiffs, possibly more than 1,000 people, have already died.

Once the punitive damage award of the Exxon Valdez litigation is settled, many fishermen will receive payments to reimburse them for fishing income lost due to the environmental consequences of the Exxon Valdez oil spill. The eventual settlement could be as much as several billion dollars.

My bill gives the affected fishermen, as well as other plaintiffs in this case, a fair shake when it comes to contributions to retirement plans and averaging of income for tax purposes.

With respect to retirement plan contributions, my bill increases the caps on both deductions and income for traditional IRAs to the extent of the income a plaintiff receives from the settlement or judgment. Also, it allows the plaintiffs to make contributions to Roth IRAs and other retirement plans to the extent of the income received from the settlement or judgment.

Fishermen are currently allowed to average their income over three years due to the often inconsistent nature of the fishing business. The litigation stemming from the Exxon Valdez oil spill poses an even more unique situation since fishermen and other plaintiffs have been waiting to receive lost income—in the form of a settlement or judgment—since 1994. My bill allows plaintiffs to average their income for the period of time between December 31 of the year they receive the settlement or judgment payment and January 1, 1994—the year of the original jury award in Federal court.

It is imperative that we address this important issue to help those affected by the Exxon Valdez oil spill plan for their retirement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 552

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Exxon Valdez Oil Spill Tax Treatment Act”.

## SEC. 2. TAX TREATMENT OF INCOME RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—

(1) IN GENERAL.—At the election of a qualified taxpayer who receives qualified settlement income during a taxable year, the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for such taxable year shall be equal to the sum of—

(A) the tax which would be imposed under such chapter if—

(i) no amount of elected qualified settlement income were included in gross income for such year, and

(ii) no deduction were allowed for such year for expenses (otherwise allowable as a deduction to the taxpayer for such year) attributable to such elected qualified settlement income, plus

(B) the increase in tax under such chapter which would result if taxable income for each of the years in the applicable period were increased by an amount equal to the applicable fraction of the elected qualified settlement income reduced by any expenses (otherwise allowable as a deduction to the taxpayer) attributable to such elected qualified settlement income.

Any adjustment under this section for any taxable year shall be taken into account in applying this section for any subsequent taxable year.

(2) COORDINATION WITH FARM INCOME AVERAGING.—If a qualified taxpayer makes an election with respect to any qualified settlement income under paragraph (1) for any taxable year, such taxpayer may not elect to treat such amount as elected farm income under section 1301 of the Internal Revenue Code of 1986.

(3) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE PERIOD.—The term “applicable period” means the period beginning on January 1, 1994, and ending on December 31 of the year in which the elected qualified settlement income is received.

(B) APPLICABLE FRACTION.—The term “applicable fraction” means the fraction the numerator of which is one and the denominator of which is the number of years in the applicable period.

(C) ELECTED QUALIFIED SETTLEMENT INCOME.—The term “elected qualified settlement income” means so much of the taxable income for the taxable year which is—

(i) qualified settlement income, and

(ii) specified under the election under paragraph (1).

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the amount of qualified settlement income received during such year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the con-

tribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract, and

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)s.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purposes of this subsection, the term “eligible retirement plan” has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) QUALIFIED SETTLEMENT INCOME NOT INCLUDED IN SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term “qualified taxpayer” means—

(1) any plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term “qualified settlement income” means income received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska), including interest (whether pre- or post judgment and whether related to a settlement or judgment).

By Mr. DORGAN:

S. 554. A bill to reduce the Federal budget deficit, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, this Nation was founded on the principle that the future matters more than the past. It was the first Nation in the world so conceived. The Founders took great pains to ensure that each generation would get a fresh start, free of the encumbrances of the past. They abolished primogeniture, entail, and hereditary titles. Jefferson for one believed that every twenty years or so, the books of the Federal Government should be wiped clean, so that prior generations would not be able to fob their debts off upon later ones who would have no say in the matter.

Over the last half dozen years, we have done exactly what the Founders of this Nation did not intend. We have heaped debt upon debt on the backs of our children and theirs—the very people the Founders thought should be free of such debts. In just about every corner of government and policy, the story has been the same—let's have a party today, and let our kids and grandkids clean up the mess. We've done it with energy, the environment, and, perhaps most of all, we have done it with the Federal budget.

Just six years ago, we had our fiscal house in order. The government had \$5.6 trillion in projected surpluses between 2002 and 2011. We were paying down the debt. But now it's changed. We racked up the second largest deficit in our history in 2003, our largest deficit ever in 2004, the third highest deficit in 2005 and the seventh largest deficit last year.

The administration can claim to be making progress only by leaving out of its budget plans the full cost of the ongoing war against terrorism, long term relief from the alternative minimum tax, using Social Security surplus revenues for unrelated spending and by generally setting expectations so low that even failure looks good by comparison. But the reality, of course, is unless the Nation's fiscal policies are dramatically changed, we are going to see large deficits for many years in the future. At the current rate the accumulated debt of this government will grow from \$8.6 trillion today to over \$12 trillion by 2012.

That projected debt is bigger than the economies of Japan, Germany, France, the United Kingdom and Canada combined. It's almost \$39,000 for every man, woman and child in this country. Meanwhile, the Administration has provided big tax cuts for people who use them to buy third homes, pricey wines and three-hundred-dollar dungarees. This is Me-Generation economics. It is economics that says, "Let others make the sacrifices while we have a bash." It is the total opposite of the economics envisioned by the founders of this country, who said that we should meet our own obligations, clean up our own messes and pay our own way, so that those who come after us

can have a future that is clear and bright.

To this end, I rise today to introduce legislation called the Act For Our Kids that I hope will help spark a serious discussion in the U.S. Congress, and across our country, about putting the Federal Government's balance sheet back in order. This legislation provides for a package of Federal spending cuts and more revenue that would raise nearly \$76 billion the first full year and some \$205 billion over five years and every penny would be used to reduce the Federal deficit! It is a real first step in acting like we are serious about fixing our fiscal policies and paying our bills.

Last year on the Senate floor I spoke about an agenda that Congress could be pursuing that would benefit all Americans. Among other things, I said that two of our top priorities ought to be paying our bills and taking care of our kids. Regrettably, however, the administration and the majority in Congress at that time adopted a card credit mentality to fiscal policy that would make even the most aggressive credit card companies blush. If a part of the American dream is ensuring that one's kids and grandkids get at least the same opportunities that we had to climb the economic ladder to success, then the Federal Government's recent approach to fiscal policy has been a full-blown nightmare.

Unless we change the direction of our fiscal policy, the Federal Government will "borrow" trillions of dollars of Social Security surplus revenues over the next decade to pay for tax cuts and other spending. Social Security faces significant financial challenges as the baby boomers retire in the years ahead. Loading up the country with more debt and diverting needed revenues away from the Social Security program will only make the program's fiscal problems worse, not better.

The real question is how are we going to dig ourselves out of this fiscal quagmire? The solution offered by the White House and the Republicans in Congress was simple: They said let's run up our Federal credit card balances even more, while at the same time giving more large tax cuts to the richest Americans.

And if President Bush is successful in permanently extending the bulk of his previous tax cuts that mostly benefit the wealthiest Americans, as he proposed in his Fiscal Year 2008 budget submission just this week, another \$2 trillion in revenues will be lost over the next decade.

Frankly, I am not aware of any instance in the history of this great country where those in charge of the Federal purse decided to cut revenues on such a large scale while in the midst of war. Today we ask our young men and women in uniform to sacrifice so much, yet the wealthiest among us are not asked to contribute even a portion of their tax cuts to what we are told every day is a noble cause.

In one of his famous fireside chats, President Franklin D. Roosevelt described our obligation as citizens to support our troops during times of war. He said:

Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in oil fields or mines, producing the weapons or the raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action. . . . That front is right here at home, in our daily lives, in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men, but to keep the economic structure of our country fortified and secure during the war and after the war.

The sentiments of President Roosevelt's remarks are truly lost on an Administration that has borrowed every dollar it has used to pay for the war in Iraq and the global fight against terrorism.

I think the American public understands that one of our obligations as U.S. citizens is helping to defend this country in whatever way is best. But what we have been missing is leadership and at least some measure of fiscal discipline in paying our war debt and getting other parts of our fiscal house in order.

It is unfair to pile up this massive debt and heave it onto the shoulders of working families and their children. The Federal Government is expected to pay \$3.3 trillion in interest payments on the debt alone during the 10-year period ending in 2017.

The legislation I am introducing today includes a number of proposals that, taken together, would reduce the Federal deficit by my estimate \$205 billion over the next five years.

First and foremost, this bill requires Federal agencies to tighten their belts by cutting their administrative overhead expenses. Before we ask others to make sacrifices needed to reduce the Nation's debt load, Federal agencies must do their part.

My legislation includes other targeted cuts in Federal spending and will make changes to the tax code to ensure that the wealthiest Americans and most profitable multinational companies that do business in this country pay their fair share of taxes—revenues that are needed to defend this Nation and keep our economy strong and growing.

Among other things, the Act For Our Kids would do the following: Cut Federal agency administrative overhead by 5 percent for fiscal years 2008 through 2012 and save taxpayers an estimated \$30 billion. This proposal would reduce "nuts and bolts" expenditures, including those relating to agency travel and transportation, advertising, office supplies, conferences and equipment. These savings must come from the bureaucracy, not programs. It is generally understood that administrative expenses do not include personnel compensation and benefits.



Eliminate \$3.5 billion that remains in a giveaway fund in the Medicare drug plan. The 2003 Medicare drug bill included a \$10 billion “slush” fund that the Secretary of the U.S. Department of Health and Human Services could tap to entice regional preferred provider organizations (PPOs) to participate in Medicare. This fund has been roundly criticized by policy experts as an inappropriate use of Federal resources. The Senate has previously supported eliminating this fund altogether and legislation enacted by Congress late last year used \$6.5 billion of the \$10 billion in the fund for the physician payment fix.

Make drug importation legal and safe. This will not only help consumers by reducing the cost they pay for prescription drugs, but will save the Federal Government and therefore taxpayers an estimated \$1.6 billion in Federal health program costs in the five years after its enactment.

Stop providing Federal funding for TV Marti broadcasts into Cuba that are jammed and therefore are not watched by their intended recipients. This provision would save U.S. taxpayers an estimated \$100 million in the next half decade.

Restore honesty and accountability in Federal contracting by, among other things, reinstating a Federal rule that would deny Federal contracts to companies with a pattern of overcharging the government or violating other Federal laws, including tax, labor and consumer protections. Other provisions in the bill would crack down on corporate cheaters and require full disclosure of contracting abuses. It requires real contract competition, bans corporate cronyism and takes other significant steps to ensure that Federal contractors, large or small, are not gouging American taxpayers. Based on information derived from similar experiences in the past, and more recently, one could easily expect these reforms would save the Federal Government some \$6 billion over a five-year period.

Abolish the U.S. Court of Federal Claims. The docket of the Court of Federal Claims includes a hodgepodge of cases, including patent cases, claims involving Indian property, vaccine injury cases, claims arising from the interment of Japanese Americans, and cases arising under the Fifth Amendment’s takings clause. The light caseload of this court could be handled more efficiently by Federal district courts. This elimination of the Claims Court would result in additional taxpayer savings of tens of millions of dollars over five years.

Impose a temporary 2 percent emergency tariff on all imports for two years to help correct our country’s \$800-billion-plus trade deficit. Article XII of the GATT, which has been incorporated into the World Trade Organization, specifically allows member countries to impose tariffs to correct a balance of payment crisis. Temporary emergency tariffs over two years would

help address this crisis, while raising an estimated \$66 billion for deficit reduction.

Prevent tax avoidance for U.S. multinational companies that move profits to offshore tax havens by generally treating their controlled “paper or shell” subsidiaries set up in foreign tax-haven countries as domestic companies for U.S. tax purposes. This proposal would save taxpayers another \$5.8 billion over five years.

Repeal the perverse Federal tax subsidy called tax deferral for U.S. companies that shut down manufacturing plants in the U.S. and move jobs abroad, only to ship their now foreign-made products back into our country. Killing this ill-advised tax break for runaway manufacturing plants would help level the financial playing field for domestic manufacturers while saving taxpayers some \$4.2 billion over a five-year period.

Clarify and enhance the application of the economic substance doctrine that courts apply to deny tax benefits from business tax shelter transactions that do not result in a meaningful change to the taxpayer’s economic position other than a reduction in their Federal income tax. This proposal would save taxpayers an estimated \$5.8 billion over the next five years.

Rescind on a prospective basis a portion of the major tax cuts passed by Congress since 2001 for individuals who are earning more than \$1 million annually. Providing some \$90 billion in additional large tax cuts over the next five years for millionaires when the Nation is still accruing massive debt and paying ongoing war costs is irresponsible in my judgment.

Disallow the tax deduction for punitive damages that are paid or incurred by taxpayers as a result of a judgment or in settlement of a claim. Allowing a tax deduction for punitive damages undermines the use of punitive damages to discourage and penalize the activities or actions for which punitive damages are imposed. Making this change would save taxpayers about \$130 million over a 5-year period.

Lift the U.S. ban on travel to Cuba by U.S. citizens. Repealing this obsolete and ineffective restriction on travel to Cuba would raise an estimated \$1 billion in U.S. tax revenues over five years from increased U.S. business activity.

Extend permanently the Federal Communications Commission’s (FCC’s) authority to auction licenses to those using the radio spectrum. This FCC authority was recently extended by Congress through 2011. A permanent extension of this authority would raise \$1 billion between 2012 to 2016, about \$200 million annually starting in 2012.

The provisions I have highlighted above and others in the bill would help reduce the Federal debt by what I roughly calculate is \$205 billion over the next half decade. I understand that this package does not fully cover our outstanding debt obligations. But I

think it is a reasonable and balanced package of spending cuts and revenue enhancements that offer a first installment that will help us begin a thoughtful process of curbing our addiction to deficit spending and hopefully head us once again toward truly a balanced budget not counting Social Security surplus revenue that should be set aside for future beneficiaries, and not used for unrelated spending.

Garrison Keillor once said, “Nothing you do for children is ever wasted. They seem not to notice us, hovering, averting our eyes, and they seldom offer thanks, but what we do for them is never wasted.” I believe that one of the greatest gifts we can give for our kids is a future without a mountain of debt from under which they may never dig out. To make this happen, however, we need to set aside our differences and come together, Republicans and Democrats, conservatives and liberals alike, and begin to confront our recent obsession with debt financing. When we decide to do so, our Nation will be better for it, and so will the future of our children.

By Ms. SNOWE (for herself, Mr. BOND, and Mr. BINGAMAN):

S. 555. A bill to amend the Internal Revenue Code of 1986 to allow small businesses to set up simple cafeteria plans to provide nontaxable employee benefits to their employees, to make changes in the requirements for cafeteria plans, flexible spending accounts, and benefits provided under such plans or accounts, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the “SIMPLE Cafeteria Plan Act of 2007,” which will increase the access to quality, affordable health care for millions of small business owners and their employees. I am pleased that my good friend Senator BOND from Missouri, as well as my good friend from New Mexico, Senator BINGAMAN, have agreed to co-sponsor this critical piece of legislation.

Regrettably, our Nation’s healthcare system is in the midst of a crisis. Each year, more and more Americans are unable to purchase health insurance, and there are no signs that things are improving. As evidence, the United States Census Bureau estimates that nearly 47 million people did not have health insurance coverage in 2005. Sadly, this number rose from 41.2 million uninsured persons in 2001—a 13 percent increase.

The lack of health insurance is even more troubling when we look specifically at the small business sector of our economy. In 2005, according to the Employee Benefit Research Institute, a non-partisan health policy group, nearly 63 percent of all uninsured workers were either self-employed or working for private-sector firms with fewer than 100 employees. In comparison, only 13.4 percent of workers in firms with more than 1,000 employees do not have health insurance. These numbers

demonstrate that the majority of uninsured Americans work for small enterprises.

So why are our Nation's small businesses, which are our country's job creators and the true engine of our economic growth, so disadvantaged when it comes to purchasing health insurance?

The main reason that small business owners do not offer their employees health insurance is because many of them cannot afford to provide any health insurance, or other benefits to their employees. Many other small companies can only afford to pay a portion of their employees' health insurance premiums. As a result, many small business employees must acquire health insurance from the private sector rather than through their work place. This more expensive alternative is not practical or possible for the majority of the uninsured.

Clearly, we have a problem on our hands. While we can debate among ourselves why this crisis exists, and how we ended up here, what is not open for debate is that we need to start identifying ways to fix the system. It is simply unconscionable to do nothing while more and more Americans find themselves without health insurance and health care.

Currently, many large companies, and even the Federal Government, allow their employees to purchase health insurance, and other qualified benefits, with tax-free dollars. Larger companies are able to offer these accounts because they meet the specific qualifications outlined in the tax code.

Cafeteria plans is one means for employers to offer health benefits with pretax dollars. As the name suggests, cafeteria plans are programs where employees can purchase a range of qualified benefits. Specifically, cafeteria plans offer employees great flexibility in selecting their desired benefits while allowing them to disregard those benefits that do not fit their particular needs. Moreover, the employees are usually purchasing benefits at a lower cost because their employers are often able to obtain a reduced group rate price for their benefits.

Typically, in cafeteria plans, a combination of employer contributions and employee contributions are used to fund the accounts that employees used to buy specific benefits. Under current law, qualified benefits include health insurance, dependent-care reimbursement, life and disability insurance. Unfortunately, long term care insurance is NOT currently a qualified benefit available for purchase in cafeteria plans. I will come back to long term care insurance in a moment.

Clearly, cafeteria plans play a critical role in our Nation's health care system. The problem though, is that in order for companies to qualify for cafeteria plans they must satisfy the tax code's strict non-discrimination rules. These rules exist to ensure that companies offer the same benefits to their

non-highly compensated employees that they offer to their highly compensated employees. These rules strive to ensure that non-highly compensated employees in fact receive a substantial portion of the employee benefits companies provide.

Now, I want to be clear. I believe that these non-discrimination rules serve a legitimate purpose and are necessary employee protections. Indeed, we need to ensure that employers are not able to game the tax system so that the cafeteria plans that qualify for preferential tax treatment are used by a majority of a companies' employees. At the same time these benefits must be made available to small companies and not just large companies.

Unfortunately, we often hear that small businesses lose skilled employees to larger companies simply because the bigger firm is able to offer a more generous employee benefit package. Many small firms have relatively few employees and a high proportion of owners or highly compensated individuals. Right now, if these small companies opened cafeteria plans they will likely violate the nondiscrimination rules, and subject their workers and organizations to taxable penalties.

Consequently, many small companies simply forgo opening cafeteria plans and offering more comprehensive employee benefits because they fear they will violate the non-discrimination rules. According to the Employers' Council on Flexible Compensation, though roughly 38 million U.S. workers had access to cafeteria plans, only 19 percent of those workers were employees of small businesses.

Allowing small business to offer cafeteria plans would provide them with much needed employee recruiting and retention tools. If more small business owners are able to offer their employees the chance to enjoy a variety of employee benefits these firms will be more likely to attract, recruit, and retain talented workers. This will ultimately increase their business output.

In order to help small companies increase their employees access to health insurance and other benefits, and help them compete for talented professionals, I am introducing the SIMPLE Cafeteria Plan Act. This bill will enable small business employees to purchase health insurance with tax-free dollars in the same way that many employees of large companies already do in their cafeteria plans. My bill accomplishes this by creating a SIMPLE Cafeteria Plan, which is modeled after the Savings Incentive Match Plan for Employees, SIMPLE, pension plan.

As with the SIMPLE pension plan, a small business employer that is willing to make a minimum contribution for all employees, or who is willing to match contributions, will be permitted to waive the non-discrimination rules that currently prevent them from otherwise offering these benefits. This structure has worked extraordinarily well in the pension area with little risk

of abuse. I am confident that it will be just as successful when it comes to broad-based benefits offered through cafeteria plans.

In addition my bill will expand the types of qualified benefits that can be offered in SIMPLE cafeteria plans and existing cafeteria plans. These modifications will increase the benefits provided for all employees and the likelihood that employees will utilize their cafeteria plans to purchase these benefits.

This legislation modifies rules that pertain to employer-provided dependent-care assistance plans. First, it would increase the current \$5,000 annual contribution limitation of these plans to \$10,000 for employees that claim two or more dependents on their tax return. This increase is significant because it will allow taxpayers to use their cafeteria accounts to pay for the care of their children and their elderly dependent family members. As the current baby-boomer generation continues to age, this scenario will become increasingly more common.

The bill also works to address our aging populations' need for long-term care insurance. Here in the United States, nearly half of all seniors age 65 or older will need long-term care at some point in their life. Unfortunately, most seniors have not adequately prepared for this possibility, just as many working age individuals have not given much thought to their eventual long-term care needs. With the cost of a private room in a nursing home averaging more than \$72,000 annually, many Americans risk losing their life savings—and jeopardizing their children's inheritance—by failing to properly plan for the long-term care services they will need as they grow older.

To address this problem, this bill would allow employees to purchase long-term care insurance coverage through their cafeteria plans and flexible spending arrangements. Allowing employers to offer long-term care benefits through these accounts would make long-term care insurance more affordable and help Americans prepare for their future long-term care needs.

Additionally, by including long-term care insurance as a qualified benefit available for purchase in cafeteria plans employers will be able to include information about long-term care options in their employee benefit packages. This will help increase employee understanding of the need to plan for their care while also increasing their access to long-term care insurance.

Small businesses are the backbone of the American economy. According to the Small Business Administration, small businesses represent 99 percent of all employers, pay more than 45 percent of the private-sector's payroll, and generated 60 to 80 percent of net new jobs annually over the last decade. It is critical that small businesses are able to offer their employees cafeteria plans so that they may purchase the health care and other benefits that will provide security for their families.

The "SIMPLE Cafeteria Plan Act of 2007" achieves these objectives, in a manner that employers and employees can afford. Although the use of pre-tax dollars to acquire these benefits reduces current Federal revenues, the opportunity to provide small business employees these same benefits currently enjoyed by the employees of the Federal Government, and larger companies, more than justifies this minimal investment. Therefore, I urge my colleagues to join me in supporting this important legislation as we work with you to enact this bill into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 555

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

(a) **SHORT TITLE.**—This Act may be cited as the "SIMPLE Cafeteria Plan Act of 2007".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### SEC. 2. ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) **IN GENERAL.**—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) **SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.**—

"(1) **IN GENERAL.**—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement with respect to benefits provided under the plan during such year.

"(2) **SIMPLE CAFETERIA PLAN.**—For purposes of this subsection, the term 'simple cafeteria plan' means a cafeteria plan—

"(A) which is established and maintained by an eligible employer, and

"(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

"(3) **CONTRIBUTIONS REQUIREMENTS.**—

"(A) **IN GENERAL.**—The requirements of this paragraph are met if, under the plan—

"(i) the employer makes matching contributions on behalf of each employee who is eligible to participate in the plan and who is not a highly compensated or key employee in an amount equal to the elective plan contributions of the employee to the plan to the extent the employee's elective plan contributions do not exceed 3 percent of the employee's compensation, or

"(ii) the employer is required, without regard to whether an employee makes any elective plan contribution, to make a contribution to the plan on behalf of each employee who is not a highly compensated or key employee and who is eligible to participate in the plan in an amount equal to at least 2 percent of the employee's compensation.

"(B) **MATCHING CONTRIBUTIONS ON BEHALF OF HIGHLY COMPENSATED AND KEY EMPLOY-**

**EES.**—The requirements of subparagraph (A)(i) shall not be treated as met if, under the plan, the rate of matching contribution with respect to any elective plan contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

"(C) **SPECIAL RULES.**—

"(i) **TIME FOR MAKING CONTRIBUTIONS.**—An employer shall not be treated as failing to meet the requirements of this paragraph with respect to any elective plan contributions of any compensation, or employer contributions required under this paragraph with respect to any compensation, if such contributions are made no later than the 15th day of the month following the last day of the calendar quarter which includes the date of payment of the compensation.

"(ii) **FORM OF CONTRIBUTIONS.**—Employer contributions required under this paragraph may be made either to the plan to provide benefits offered under the plan or to any person as payment for providing benefits offered under the plan.

"(iii) **ADDITIONAL CONTRIBUTIONS.**—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to the plan in addition to contributions required under subparagraph (A).

"(D) **DEFINITIONS.**—For purposes of this paragraph—

"(i) **ELECTIVE PLAN CONTRIBUTION.**—The term 'elective plan contribution' means any amount which is contributed at the election of the employee and which is not includible in gross income by reason of this section.

"(ii) **HIGHLY COMPENSATED EMPLOYEE.**—The term 'highly compensated employee' has the meaning given such term by section 414(q).

"(iii) **KEY EMPLOYEE.**—The term 'key employee' has the meaning given such term by section 416(i).

"(4) **MINIMUM ELIGIBILITY AND PARTICIPATION REQUIREMENTS.**—

"(A) **IN GENERAL.**—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

"(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

"(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

"(B) **CERTAIN EMPLOYEES MAY BE EXCLUDED.**—For purposes of subparagraph (A)(i), an employer may elect to exclude under the plan employees—

"(i) who have less than 1 year of service with the employer as of any day during the plan year,

"(ii) who have not attained the age of 21 before the close of a plan year,

"(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

"(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

"(5) **ELIGIBLE EMPLOYER.**—For purposes of this subsection—

"(A) **IN GENERAL.**—The term 'eligible employer' means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year

may only be taken into account if the employer was in existence throughout the year.

"(B) **EMPLOYERS NOT IN EXISTENCE DURING PRECEDING YEAR.**—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

"(C) **GROWING EMPLOYERS RETAIN TREATMENT AS SMALL EMPLOYER.**—If—

"(i) an employer was an eligible employer for any year (a 'qualified year'), and

"(ii) such employer establishes a simple cafeteria plan for its employees for such year, then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year. This subparagraph shall cease to apply if the employer employs an average of 200 more employees on business days during any year preceding any such subsequent year.

"(D) **SPECIAL RULES.**—

"(i) **PREDECESSORS.**—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(ii) **AGGREGATION RULES.**—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

"(6) **APPLICABLE NONDISCRIMINATION REQUIREMENT.**—For purposes of this subsection, the term 'applicable nondiscrimination requirement' means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

"(7) **COMPENSATION.**—The term 'compensation' has the meaning given such term by section 414(s)."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to years beginning after December 31, 2006.

#### SEC. 3. MODIFICATIONS OF RULES APPLICABLE TO CAFETERIA PLANS.

(a) **APPLICATION TO SELF-EMPLOYED INDIVIDUALS.**—

(1) **IN GENERAL.**—Section 125(d) (defining cafeteria plan) is amended by adding at the end the following new paragraph:

"(3) **EMPLOYEE TO INCLUDE SELF-EMPLOYED.**—

"(A) **IN GENERAL.**—The term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(B) **LIMITATION.**—The amount which may be excluded under subsection (a) with respect to a participant in a cafeteria plan by reason of being an employee under subparagraph (A) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the cafeteria plan is established."

(2) **APPLICATION TO BENEFITS WHICH MAY BE PROVIDED UNDER CAFETERIA PLAN.**—

(A) **GROUP-TERM LIFE INSURANCE.**—Section 79 (relating to group-term life insurance provided to employees) is amended by adding at the end the following new subsection:

"(f) **EMPLOYEE INCLUDES SELF-EMPLOYED.**—

"(1) **IN GENERAL.**—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) **LIMITATION.**—The amount which may be excluded under the exceptions contained

in subsection (a) or (b) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the individual is so treated."

(B) ACCIDENT AND HEALTH PLANS.—Section 105(g) is amended to read as follows:

"(g) EMPLOYEE INCLUDES SELF-EMPLOYED.—

"(1) IN GENERAL.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) LIMITATION.—The amount which may be excluded under this section by reason of subsection (b) or (c) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established."

(C) CONTRIBUTIONS BY EMPLOYERS TO ACCIDENT AND HEALTH PLANS.—

(i) IN GENERAL.—Section 106, as amended by subsection (b), is amended by adding after subsection (b) the following new subsection:

"(c) EMPLOYER TO INCLUDE SELF-EMPLOYED.—

"(1) IN GENERAL.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) LIMITATION.—The amount which may be excluded under subsection (a) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established."

(ii) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer."

(b) LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) (defining qualified benefits) is amended to read as follows: "Such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract."

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

#### SEC. 4. MODIFICATION OF RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.

(a) MODIFICATION OF RULES.—

(1) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986, as amended by section 2, is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) SPECIAL RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not

fail to be treated as a flexible spending or similar arrangement solely because under the plan or arrangement—

"(A) the amount of the reimbursement for covered expenses at any time may not exceed the balance in the participant's account for the covered expenses as of such time,

"(B) except as provided in paragraph (4)(A)(ii), a participant may elect at any time specified by the plan or arrangement to make or modify any election regarding the covered benefits, or the level of covered benefits, of the participant under the plan, and

"(C) a participant is permitted access to any unused balance in the participant's accounts under such plan or arrangement in the manner provided under paragraph (2) or (3).

"(2) CARRYOVERS AND ROLLOVERS OF UNUSED BENEFITS IN HEALTH AND DEPENDENT CARE ARRANGEMENTS.—

"(A) IN GENERAL.—A plan or arrangement may permit a participant in a health flexible spending arrangement or dependent care flexible spending arrangement to elect—

"(i) to carry forward any aggregate unused balances in the participant's accounts under such arrangement as of the close of any year to the succeeding year, or

"(ii) to have such balance transferred to a plan described in subparagraph (E)

Such carryforward or transfer shall be treated as having occurred within 30 days of the close of the year.

"(B) DOLLAR LIMIT ON CARRYFORWARDS.—

"(i) IN GENERAL.—The amount which a participant may elect to carry forward under subparagraph (A)(i) from any year shall not exceed \$500. For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the \$500 amount under clause (i) shall be increased by an amount equal to—

"(I) \$500, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2006' for '1992' in subparagraph (B) thereof

If any dollar amount as increased under this clause is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100.

"(C) EXCLUSION FROM GROSS INCOME.—No amount shall be required to be included in gross income under this chapter by reason of any carryforward or transfer under this paragraph.

"(D) COORDINATION WITH LIMITS.—

"(i) CARRYFORWARDS.—The maximum amount which may be contributed to a health flexible spending arrangement or dependent care flexible spending arrangement for any year to which an unused amount is carried under this paragraph shall be reduced by such amount.

"(ii) ROLLOVERS.—Any amount transferred under subparagraph (A)(ii) shall be treated as an eligible rollover under section 219, 223(f)(5), 401(k), 403(b), or 457, whichever is applicable, except that—

"(I) the amount of the contributions which a participant may make to the plan under any such section for the taxable year including the transfer shall be reduced by the amount transferred, and

"(II) in the case of a transfer to a plan described in clause (ii) or (iii) of subparagraph (E), the transferred amounts shall be treated as elective deferrals for such taxable year.

"(E) PLANS.—A plan is described in this subparagraph if it is—

"(i) an individual retirement plan,

"(ii) a qualified cash or deferred arrangement described in section 401(k),

"(iii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iv) an eligible deferred compensation plan described in section 457, or

"(v) a health savings account described in section 223.

"(3) DISTRIBUTION UPON TERMINATION.—

"(A) IN GENERAL.—A plan or arrangement may permit a participant (or any designated heir of the participant) to receive a cash payment equal to the aggregate unused account balances in the plan or arrangement as of the date the individual is separated (including by death or disability) from employment with the employer maintaining the plan or arrangement.

"(B) INCLUSION IN INCOME.—Any payment under subparagraph (A) shall be includable in gross income for the taxable year in which such payment is distributed to the employee.

"(4) TERMS RELATING TO FLEXIBLE SPENDING ARRANGEMENTS.—

"(A) FLEXIBLE SPENDING ARRANGEMENTS.—

"(i) IN GENERAL.—For purposes of this subsection, a flexible spending arrangement is a benefit program which provides employees with coverage under which specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions).

"(ii) ELECTIONS REQUIRED.—A plan or arrangement shall not be treated as a flexible spending arrangement unless a participant may at least 4 times during any year make or modify any election regarding covered benefits or the level of covered benefits.

"(B) HEALTH AND DEPENDENT CARE ARRANGEMENTS.—The terms 'health flexible spending arrangement' and 'dependent care flexible spending arrangement' means any flexible spending arrangement (or portion thereof) which provides payments for expenses incurred for medical care (as defined in section 213(d)) or dependent care (within the meaning of section 129), respectively."

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 125 of the Internal Revenue Code of 1986 is amended by inserting "AND FLEXIBLE SPENDING ARRANGEMENTS" after "PLANS".

(B) The item relating to section 125 of such Code in the table of sections for part III of subchapter B of chapter 1 is amended by inserting "and flexible spending arrangements" after "plans".

(b) TECHNICAL AMENDMENTS.—

(1) Section 106 is amended by striking subsection (e) (relating to FSA and HRA Terminations to Fund HSAs).

(2) Section 223(c)(1)(A)(iii)(II) is amended to read as follows:

"(II) the individual is transferring the entire balance of such arrangement as of the end of the plan year to a health savings account pursuant to section 125(i)(2)(A)(ii), in accordance with rules prescribed by the Secretary."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 5. RULES RELATING TO EMPLOYER-PROVIDED HEALTH AND DEPENDENT CARE BENEFITS.

(a) HEALTH BENEFITS.—Section 106, as amended by section 4(b), is amended by adding at the end the following new subsection:

"(e) LIMITATION ON CONTRIBUTIONS TO HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—

"(1) IN GENERAL.—Gross income of an employee for any taxable year shall include employer-provided coverage provided through 1 or more health flexible spending arrangements (within the meaning of section 125(i))

to the extent that the amount otherwise excludable under subsection (a) with regard to such coverage exceeds the applicable dollar limit for the taxable year.

“(2) APPLICABLE DOLLAR LIMIT.—For purposes of this subsection—

“(A) IN GENERAL.—The applicable dollar limit for any taxable year is an amount equal to the sum of—

“(i) \$7,500, plus

“(ii) if the arrangement provides coverage for 1 or more individuals in addition to the employee, an amount equal to one-third of the amount in effect under clause (i) (after adjustment under subparagraph (B)).

“(B) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning in any calendar year after 2007, the \$7,500 amount under subparagraph (A) shall be increased by an amount equal to—

“(i) \$7,500, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘2006’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this subparagraph is not a multiple of \$100, such dollar amount shall be rounded to the next lowest multiple of \$100.”.

(b) DEPENDENT CARE.—

(1) EXCLUSION LIMIT.—

(A) IN GENERAL.—Section 129(a)(2) (relating to limitation on exclusion) is amended—

(i) by striking “\$5,000” and inserting “the applicable dollar limit”, and

(ii) by striking “\$2,500” and inserting “one-half of such limit”.

(B) APPLICABLE DOLLAR LIMIT.—Section 129(a) is amended by adding at the end the following new paragraph:

“(3) APPLICABLE DOLLAR LIMIT.—For purposes of this subsection—

“(A) IN GENERAL.—The applicable dollar limit is \$5,000 (\$10,000 if dependent care assistance is provided under the program to 2 or more qualifying individuals of the employee).

“(B) COST-OF-LIVING ADJUSTMENTS.—

“(i) \$5,000 AMOUNT.—In the case of taxable years beginning after 2007, the \$5,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) \$5,000, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2006’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of \$100, such dollar amount shall be rounded to the next lowest multiple of \$100.

“(ii) \$10,000 AMOUNT.—The \$10,000 amount under subparagraph (A) for taxable years beginning after 2005 shall be increased to an amount equal to twice the amount the \$5,000 amount is increased to under clause (i).”.

(2) AVERAGE BENEFITS TEST.—

(A) IN GENERAL.—Section 129(d)(8)(A) (relating to benefits) is amended—

(i) by striking “55 percent” and inserting “60 percent”, and

(ii) by striking “highly compensated employees” the second place it appears and inserting “employees receiving benefits”.

(B) SALARY REDUCTION AGREEMENTS.—Section 129(d)(8)(B) (relating to salary reduction agreements) is amended—

(i) by striking “\$25,000” and inserting “\$30,000”, and

(ii) by adding at the end the following: “In the case of years beginning after 2007, the \$30,000 amount in the first sentence shall be adjusted at the same time, and in the same manner, as the applicable dollar amount is adjusted under subsection (a)(3)(B).”.

(3) PRINCIPAL SHAREHOLDERS OR OWNERS.—Section 129(d)(4) (relating to principal shareholders and owners) is amended by adding at the end the following: “In the case of any failure to meet the requirements of this paragraph for any year, amounts shall only be required by reason of the failure to be included in gross income of the shareholders or owners who are members of the class described in the preceding sentence.”.

(C) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. KENNEDY (for himself, Mr. ENZI, Mr. DODD, and Mr. ALEXANDER):

S. 556. A bill to reauthorize the Head Start Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senators ENZI, DODD, and ALEXANDER in introducing the Head Start for School Readiness Act. Our goal is to reauthorize Head Start and continue our bipartisan support for this very successful program to prepare low-income children for school.

For over forty years, Head Start has given disadvantaged children the assistance they need to arrive at school ready to learn. It's comprehensive services guarantee balanced meals for children, and a well-defined curriculum to see that children develop early skills in reading, writing, and math, and positive social skills as well. It provides visits to doctors and dentists, and outreach to parents to encourage them to participate actively in their child's early development.

It is clear that Head Start works. A federal evaluation found that Head Start children make gains during the program itself, and the gains continue when the children enter kindergarten. Once Head Start children complete their kindergarten year, they are near the national average of 100 in key areas, with scores of 93 in vocabulary, 96 in early writing, and 92 in early math.

We've made tremendous, bipartisan progress this year in our effort to reauthorize Head Start and build upon a program that serves as a lifeline for the neediest families and children across the Nation.

In this legislation, we build on Head Start's proven track record and expand it to include thousands of low-income children who are not yet served by the program. We provide for better coordination of Head Start with state programs for low-income children. We strengthen Head Start's focus on school readiness and early literacy. We enhance the educational goals for Head Start teachers. And we provide greater accountability for the program, including new policies to ensure improved monitoring visits and new policies to address programs with serious deficiencies.

To strengthen Head Start, we have to begin by providing more resources for it. The need for Head Start is greater than ever. Child poverty is on the rise again. Today, less than 50 percent of

children eligible for Head Start participate in the program. Hundreds of thousands of three- and four-year-olds are left out because of the inadequate funding level of the program. Early Head Start serves only 3 percent of eligible infants and toddlers. It is shameful that 97 percent of the children eligible for Early Head Start have no access to it. It's long past time for Congress to expand access to Head Start to serve as many infants, toddlers, and preschool children as possible.

The bill that we introduce today will set a goal to expand Head Start over the next several years. We call for increases in funding, from \$6.9 billion in the current fiscal year, to \$7.3 billion in FY 2008, \$7.5 billion in FY 2009, and \$7.9 billion in 2010. These funding levels are critical to advance the essential reforms in this legislation, and to serve thousands of additional children in the Head Start program.

Early Head Start is an especially important program for needy infants and toddlers. Research clearly shows its benefit to infants and toddlers and their families. Early Head Start children have larger vocabularies, lower levels of aggressive behavior, and higher levels of sustained attention than children not enrolled in the program. Parents are more likely to play with their children and read to them.

This bill will double the size of Early Head Start over the course of this authorization, and deliver services to over 56,000 additional children over the course of this authorization.

Our bill establishes a Head Start Collaboration Office in every state to maximize services to Head Start children, align Head Start with kindergarten classrooms, and strengthen its local partnerships with other agencies. These offices will work hand in hand with the Head Start network of training and technical assistance to support Head Start grantees in better meeting the goals of preparing children for school.

States will also have an active role in coordinating their system of early childhood programs, and increasing the quality of those programs. Our bill designates an Early Care and Education Council in each State to conduct an inventory of children's needs, develop plans for data collection and for supporting early childhood educators, review and upgrade early learning standards, and make recommendations on technical assistance and training. For those States ready to move forward and implement their statewide plan, our bill will offer a one-time incentive grant to implement these important efforts.

Over the past four decades, Head Start has built up quality and performance standards to guarantee a full range of services, so that children are educated in the basics about letters and numbers and books, and are also healthy, well-fed, and supported in stable and nurturing relationships. Head Start is a model program, and we can enhance its quality even more.

One way to do that is to strengthen Head Start's current literacy initiative. We know the key to later reading success is to get young children excited about letters and books and numbers. Our bill emphasizes language and literacy, by enhancing the literacy training required of Head Start teachers, by continuing to promote parent literacy, and by working to put more books into Head Start classrooms and into children's homes.

We also make a commitment in this bill to upgrade all of the educational components of Head Start, and ensure that services are aligned with expectations for children's kindergarten year and continue to be driven by the effective Head Start Child Outcomes Framework.

At the heart of Head Start's success are its teachers and staff. They are caring, committed persons who know the children they serve and are dedicated to improving their lives. They help children learn to identify letters of the alphabet and arrange the pieces of puzzles. They teach them to brush their teeth, wash their hands, make friends and follow rules. Yet their salary is still half the salary of kindergarten teachers, and turnover is high—11 percent a year.

Because a teacher's quality is directly related to a child's outcome, our bill establishes a goal to ensure that every Head Start teacher have their A.A. degree and 50 percent earn their B.A. degree over the course of this authorization. Head Start teachers and staff are the greatest resource to children and families in the program, and we must match these ambitious reforms and improvements with the funding needed to see that Head Start programs can meet these goals.

We have also granted additional flexibility in this bill for Head Start programs to serve families and children that need services at the local level. We've lifted the eligibility requirements so that families living below 130 percent of the federal poverty rate can qualify and participate in Head Start. Often, these are the neighbors of Head Start children with similar needs, but currently remain barred from participating in the program.

Under this bill, Head Start programs will be empowered with greater authority to determine the needs of families in their local communities and define services to meet those needs. If programs determine that there is a greater share infants and toddlers in need of services, our bill allows them to apply to the Secretary to convert and expand Head Start to serve those youngest children, consistent with Early Head Start standards. If programs identify a need to provide full-day or full-year care for children and families, they can take steps to do so.

Accountability is a cornerstone of excellence in education and should start early. Head Start should be accountable for its promise to provide safe and healthy learning environments, to sup-

port each child's individual pattern of development and learning, to cement community partnerships in services for children, and to involve parents in their child's growth.

Head Start reviews are already among the most extensive in the field. Every 3 years, a federal and local team spends a week thoroughly examining every aspect of every Head Start program. They check everything from batteries in flashlights to how parents feel about the program. Our bill takes a further step to improve the monitoring of Head Start programs, ensures that programs receive useful and timely feedback and information, and strengthens annual reviews and plans for improvement.

Our bill also takes an important step to suspend the Head Start National Reporting System. Four years ago, I insisted that instead of rushing forward with a national assessment for every four- and five-year-old in Head Start, this Administration should instead move more deliberately to develop and implement an assessment tool that would help guide and improve Head Start programs. Unfortunately, they rejected that call and proceeded with an assessment—absent sufficient authorization or oversight from Congress—that was later proven by a GAO study to be flawed and inconsistent with professional standards for testing and measurement.

Any assessment used in Head Start must be held to the highest standard. It must be valid and reliable, fair to children from all backgrounds, balanced in what it measures, and address the development of the whole child. Our bill calls on the National Academy of Sciences to continue their work in surveying assessments and outcomes appropriate for early childhood programs, and to make recommendations to the Secretary and to Congress on the use of assessments and outcomes in Head Start programs. I hope the National Academy's work will be helpful as we consider future improvements in the Head Start program.

Finally, this bill appropriately rejects earlier calls to block grant Head Start services, preserving the community-based structure of the program. It makes no sense to turn Head Start into a block grant to the states. To do so would have dismantled the program and undermined Head Start's guarantees that children can see doctors and dentists, eat nutritious meals, and learn early academic and social skills. The current Federal-to-local structure of Head Start enables it to tailor its services to meet local community needs. Performance standards guarantee a high level of quality across all programs. Yet each program is unique and specifically adapted to the local community. Head Start is successful in serving Inuit children in Alaska, migrant-workers' children in Tennessee, and inner-city children in Boston. It is essential to maintain the ability of local Head Start programs to tailor

their services to meet the needs of local neighborhoods and their children.

The Head Start for School Readiness Act we are introducing today will keep Head Start on its successful path, and enable this vital program to continue to thrive and improve. I urge our colleagues on both sides of the aisle to join us in advancing and strengthening this program, and give children the head start they need and deserve to prepare for school and for life.

Mr. ENZI. Mr. President, I rise to join my colleagues in introducing the Head Start for School Readiness Act.

Head Start programs are critical to ensuring that all children, regardless of their background, enter school ready to learn and succeed. I want to thank Senator KENNEDY and his staff for his ongoing commitment to our bipartisan approach, which has resulted in a bill that meets the needs of children and families who participate in the Head Start program throughout our Nation. I would also like to thank our colleagues Senators ALEXANDER and DODD and their staff for their fine work as well.

This legislation would reauthorize the Head Start program and help ensure that children in this important program will be better prepared to enter school with the skills to succeed. Success in life depends a great deal on the preparation for that success, which comes early in life. It is well documented in early childhood education research that students who are not reading well by the third grade will struggle with reading most of their lives. Head Start provides early education for over 900,000 children each year, most of whom would not have the opportunity to attend preschool programs elsewhere. It is because of these 900,000 children we have all worked so hard to improve and strengthen this Act.

I am particularly pleased with the accountability provisions we put forth in this legislation. The legislation we introduce today limits the timeframe for Head Start grantees to appeal decisions made by the Secretary to terminate grants. In some instances, Head Start grantees have been found to be operating programs that are unsafe or misusing Federal funds—and are often continuing those bad practices for months, as long as 600 days in some cases—during the termination process. This equates to children not receiving quality services, and instead of being prepared for success, they fall further behind.

Additional steps have been taken in this legislation to increase the quality of the Head Start program including providing the Secretary the authority to terminate a grantee that has multiple and recurring deficiencies that has not made significant and substantial progress toward correcting those deficiencies.

We recognize that a vast majority of the Head Start agencies provide high quality, comprehensive services for



children in the Head Start programs. However, the provisions in this bill will create an important incentive for programs to operate at their best, and in the best interest of the children they serve.

Senator DODD has provided valuable leadership as we worked to develop a clear policy on the roles and responsibilities of the governing body and policy councils. We have worked together to clarify and strengthen the roles of the governing body and policy councils. After careful review, the Committee found that many of the important fiscal and legal responsibilities of Head Start grantees were not explicitly assigned. The bill clarifies those responsibilities leading to more consistent, high quality fiscal and legal management, which will ensure these programs are serving children in the best possible way.

I want to particularly note emphasis we have placed on the role of parents in Head Start programs. It is vital to remember that this program provides services to children and their families. Parents provide valuable insight and experience as to what a Head Start program should do for children.

Senators ALEXANDER, KENNEDY, and DODD have worked tirelessly on this legislation and championed increasing coordination, collaboration, and excellence in early childhood education and care programs. I wish to thank my colleagues on the Committee, particularly Senators KENNEDY, ALEXANDER, and DODD, for their work in drafting this bipartisan legislation to reauthorize the Head Start Act. I believe the legislation we are introducing today will improve the quality and effectiveness of the Head Start program for generations of children to come. It is my hope that our bipartisan efforts will continue to produce results as we move the bill through the Senate and into Conference.

Mr. DODD. Mr. President, I rise today to join my colleagues, Senator KENNEDY, Senator ENZI, and Senator ALEXANDER in introducing the Head Start for School Readiness Act. I am pleased that we are beginning the process of reauthorizing this important legislation early in the 110th Congress.

Since 1965, Head Start has provided comprehensive early childhood development services to low-income children. The evidence is clear: Head Start works for the more than 900,000 children enrolled in centers throughout the country. As we reauthorize this bill, we have the opportunity to refine and improve the program to make it work even better.

This reauthorization bill maintains the important characteristics of Head Start that have made it such an important program, aiding in the social, emotional, physical and cognitive development of low-income preschool children. The program is successful because each center addresses the needs of the local community. It is more than just a school readiness program;

it addresses the comprehensive needs of children and their families by providing health and other services to the enrolled children. Families play the most important role in ensuring the success of their children, and our bill maintains an integral role for parents in the decision-making and day to day operations of the program. Parent involvement is a centerpiece of Head Start and I believe this bill strengthens that component.

This reauthorization bill expands eligibility, improves accountability by clarifying program governance, strengthens school readiness for children and enhances teacher quality. In addition, collaboration and coordination with other early childhood development programs and outreach to underserved populations is greatly improved.

The bill we're introducing enables more low-income children to get a head start by allowing programs to serve families with incomes up to 130 percent of the poverty level, while ensuring that the most vulnerable families below the poverty level are served first. This is important for Connecticut and other States where the cost of living is especially high and many working poor families aren't able to access services because they earn just above the poverty level. In addition, the bill expands access to services for infants and toddlers in Early Head Start by increasing the set-aside from 10 percent to 20 percent over the next 5 years. Programs are also provided more discretion to serve eligible individuals based on the needs of the each community.

Although we do not go as far as I would personally like to see in funding for Head Start, we do authorize additional resources in this bill. Despite the tight budget situation, we authorize an increase of six percent from \$6.9 billion to \$7.35 billion in Fiscal Year 2008, to \$7.65 billion in Fiscal Year 2009 and to \$7.995 billion in Fiscal Year 2009. I continue to be gravely concerned about the lack of resources for Head Start—funding levels have been essentially flat since 2002. Currently, only half of eligible children are served in Head Start and fewer than 5 percent are served in Early Head Start.

Across the country, Head Start providers are reporting rising costs in transportation, some more than 15 percent due to fuel prices. Other budget concerns include higher unemployment and health care premiums, facilities maintenance and training for staff. Rising operating costs are coinciding with State, local and private funding partners cutting back their contributions to local Head Start programs. This terrible budget crunch has caused providers to make deep cuts in already tight budgets, as they try desperately to not remove children from their enrollments. I understand the challenges facing the Federal budget and look forward to continuing to work with my colleagues on the budget and appropriations committees to increase vital resources for Head Start.

Research shows that child outcomes are directly related to the quality of the teachers and professionals who work with them on a daily basis. I am pleased that we establish goals in this Head Start bill for improving educational standards for Head Start teachers, curriculum specialists and teacher assistants. Understanding that dedicated Head Start teachers and staff work hard for relatively low wages, there will not be penalties associated with programs not meeting the goal we have established. I would hope that we could offer funding to help teachers meet these goals, but that is not possible at this juncture. I will continue to work toward increased funding to assist teachers in pursuing additional educational goals.

When Head Start began more than 40 years ago, it was the only preschool program available for low-income children; now there are many approaches. Collaboration and coordination with other early childhood programs is also an essential piece of this Head Start bill, reducing duplication and encouraging opportunities for shared information and resources.

I look forward to working with my colleagues as we move this bill through the Senate.

By Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. NELSON of Florida, Mrs. DOLE, Ms. STABENOW, and Mr. KYL):

S. 557. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I rise today to introduce "The Motorsports Fairness and Permanency Act." This bill extends the current tax treatment for speedways and race tracks around the country. Just over two years ago, Congress codified the seven-year depreciation classification for motorsports facilities. However, this provision of the tax code expires at the end of 2007. The bill I am introducing today would make the seven-year classification permanent, providing much needed clarity and certainty for facility owners who are planning capital investments.

There are over fifty motorsports facilities in every part of New York State: from Long Island Motorsports Park to Poughkeepsie Speedway to Utica-Rome Speedway to Wyoming County International Speedway. These tracks provide entertainment for thousands of fans and are important engines of local and regional economic development.

The highest profile facility in New York State is Watkins Glen International. This storied road course has played an important role in open wheel and stock car racing since it opened in 1956. The Glen has hosted NASCAR racing since 1986, and this year's schedule will include the Grand-Am Rolex Sports Car Series, the IndyCar Series and the NASCAR Nextel Cup. With

these high profile events drawing thousands of out-of-state racing fans to Schuyler County it is no surprise that the Glen's economic impact has been estimated at over \$200 million a year.

Watkins Glen is also a prime example of the need for continual capital reinvestment at motorsports facilities. Since 2005, the Glen has added new grandstands and spectator suites and upgraded and repaved the track. Planning multi-million dollar capital projects requires a certain and stable tax regime governing these investments. In order to provide this stability and certainty, I am introducing the Motorsports Fairness and Permanency Act, and I am pleased to be joined by Senators ROBERTS, BILL NELSON, DOLE, STABENOW, and KYL as original cosponsors. Enacting this legislation will be crucial to supporting the economic benefits that motorsports facilities provide across New York State and across the country. I hope that my colleagues will join me in supporting this legislation, and I look forward to working with my colleague from Kansas to have it considered in the Finance Committee.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. ENZI, Mr. BROWN, Mr. SMITH, Mr. FEINGOLD, Mr. COLEMAN, Mr. LAUTENBERG, Mr. WARNER, Mrs. BOXER, Ms. MURKOWSKI, Mr. AKAKA, Mr. ROBERTS, Mr. CARDIN, Mr. HATCH, Ms. CANTWELL, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, Mr. BIDEN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 558. A bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Access to mental health services is one of the most important and most neglected civil rights issues facing the Nation. For too long, persons living with mental disorders have suffered discriminatory treatment at all levels of society. They have been forced to pay more for the services they need and to worry about their job security if their employer finds out about their condition. Sadly, in America today, patients with biochemical problems in their liver are treated with better care and greater compassion than patients with biochemical problems in their brain.

That kind of discrimination must end. No one questions the need for affordable treatment of physical illnesses. But those who suffer from mental illnesses face serious barriers in obtaining the care they need at a cost they can afford. Like those suffering from physical illnesses, persons with mental disorders deserve the opportunity for quality care. The failure to obtain treatment can mean years of shattered dreams and unfulfilled potential.

Eleven years ago, Congress passed the first Mental Health Parity Act. That legislation was an important first step in bringing attention to discriminatory practices against the mentally ill, but it did little to correct the injustices that so many Americans continue to face. The 1996 legislation required that annual and lifetime dollar limits for mental health coverage must be no less than the limits for medical and surgical coverage. But more steps are clearly needed to guarantee that Americans suffering from mental illness are not forced to pay more for the services they need, do not face harsher limitations on treatment, and are not denied access to care.

This bill is a chance to take the actions needed to end the longstanding discrimination against persons with mental illness. The late Senator Paul Wellstone and Senator PETE DOMENICI deserve great credit for their bipartisan leadership on mental health parity. If it were not for them, we would not be here today.

The bill prohibits group health plans from imposing treatment limitations or financial requirements on the coverage of mental health conditions that do not also apply to physical conditions. That means no limits on days or treatment visits, and no exorbitant co-payments or deductibles. The bill was negotiated by and has the support of the mental health community, the business community, and the insurance industry.

The need is clear. One in five Americans will suffer some form of mental illness this year—but only a third of them will receive treatment. Millions of our fellow citizens are unnecessarily enduring the pain and sadness of seeing a family member, friend, or loved one suffer illnesses that seize the mind and break the spirit.

Battling mental illness is itself a painful process, but discrimination against persons with such illnesses is especially cruel, since the success rates for treatment often equal or surpass those for physical conditions. According to the National Institute of Mental Health, clinical depression treatment can be 70 percent successful, and treatment for schizophrenia can be 60 percent successful.

Over the years we've heard compelling testimony from experts, activists, and patients about the need to equalize coverage of physical and mental illnesses. The Office of Personnel Management talks us that providing full parity to 8.5 million federal employees has led to minimal premium increases. We heard dramatic testimony about the economic and social advantages of parity, including a healthier, more productive workforce.

Some of the most compelling testimony came several years ago from Lisa Cohen, a hardworking American from New Jersey, who suffers from both physical and mental illnesses, and is forced to pay exorbitant costs for treating her mental disorder, while

paying little for her physical disorder. She is typical of millions of Americans who not only face the cruel burden of mental illness, but also the cruel burden of discriminatory treatment. No Americans should be denied equal treatment of an illness because it starts in the brain instead of the heart, lungs, or other parts of their body. No patients should be denied access to the treatment that can cure their illness because of where they live or work.

A number of States have already enacted mental health parity laws, but 86 million workers under ERISA have no protection under state mental health statutes.

Mental health parity is a good investment for the Nation. The costs from lost worker productivity and extra physical care outweigh the costs of implementing parity for mental health treatment.

Over the years study after study has shown that parity makes good financial sense. An analysis of more than 46,000 workers at major companies showed that employees who report being depressed or under stress are likely to have substantially higher health costs than co-workers without such conditions. Employees who reported being depressed had health bills 70 percent higher than those who did not suffer from depression. Those reporting high stress had 46 percent higher health costs. McDonnell Douglas found a 4 to 1 return on investment after accounting for lower medical claims, reduced absenteeism, and smaller turnover.

Mental illness also imposes a huge financial burden on the Nation. It costs us \$300 billion each year in treatment expenses, lost worker productivity, and crime. This country can afford mental health parity. What we can't afford is to continue denying persons with mental disorders the care they need.

Today is a turning point. We are finally moving toward ending this shameful form of discrimination in our society—discrimination against mental illness. This bill has been seven years in the making, and brings first class medicine to millions of Americans who have been second class patients for too long.

Today, we begin to right that wrong, by guaranteeing equal treatment to the 11 million people receiving mental health services, and promising equal treatment to the remaining 100 million insured workers and their families who never know the day they may need their mental health benefit.

The 1996 Act, was an important step towards ending health insurance discrimination against mental illness. This bill will take another large step forward by closing the loopholes that remain.

It guarantees co-payments, deductibles, coinsurance, out of pocket expenses and annual and lifetime limits that apply to mental health benefits are no different than those applied to medical and surgical benefits.

It guarantees that the frequency of treatment, number of visits, days of coverage and other limits on scope and duration of treatment for mental health services are no different than those applied to medical and surgical benefits.

This equal treatment and financial equity is also applied to substance abuse.

Features of State law that require coverage of mental disorders are protected, to assure those currently protected by state parity laws that their needs will be met.

The medical management strategies needed to prevent denial of medically needed services for patients remain intact.

Finally, the bill is modeled on the parity that is already guaranteed to the 8.5 million persons, including Members of Congress, under the Federal Employee Benefits Program.

Equal treatment of those affected by mental illness is not just an insurance issue. It's a civil rights issue. At its heart, mental health parity is a question of simple justice.

It is long past time to end insurance discrimination and guarantee all people with mental illness the coverage they deserve.

I urge my colleagues to support this important principle, and end the unacceptable double standards that have unfairly plagued our health care systems for so long.

Mr. DOMENICI. Mr. President, I rise today along with my colleagues Senator KENNEDY and Senator ENZI to introduce the Mental Health Parity Act of 2007. I want to thank my colleagues for all of their hard work on this issue and I am glad we are able to introduce this paramount legislation.

Simply put, our legislation will provide parity between mental health coverage and medical and surgical coverage. No longer will people be treated differently only because they suffer from a mental illness. This means 113 million people in group health plans will benefit from our bill.

We are here today after years of hard work. We have worked with the mental health community, the business community, and insurance groups to carefully construct a fair bill. A sampling of the groups include the National Alliance on Mental Illness, the American Psychological Association, the American Psychiatric Association, the National Retail Federation, and Aetna Insurance.

This bill will no longer apply a more restrictive standard to mental health coverage and another more lenient standard be applied to medical and surgical coverage. What we are doing is a matter of simple fairness. Statistics demonstrate that there is a significant need for this change in policy. Currently, 26 percent of American adults or nearly 58 million people suffer from a diagnosable mental illness each year. Six percent of those adults suffer from a serious mental illness. Additionally,

more than 30,000 people commit suicide each year in the United States. We need to reduce these numbers, and I believe expanding access to mental health services will allow us to do so.

This bill will provide mental health parity for about 113 million Americans who work for employers with 50 or more employees and ensure health plans do not place more restrictive conditions on mental health coverage than on medical and surgical coverage. Additionally, the legislation includes parity for financial requirements such as deductibles, copayments, and annual lifetime limits. Also, this bill includes parity for treatment limitations regarding the number of covered hospital days and visits. This bill does not Mandate the coverage of mental health nor does it prohibit a health plan from managing mental health benefits in order to ensure only medically necessary treatments are covered.

Again, I would like to thank everyone who contributed to the development of this legislation. I believe we are making a difference today and I look forward to working with my colleagues to move this bill forward.

I ask for unanimous consent that the text of the bill to be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 558

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Parity Act of 2007".

#### SEC. 2. MENTAL HEALTH PARITY.

(a) AMENDMENTS OF ERISA.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 712 (29 U.S.C. 1185a) the following:

##### "SEC. 712A. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

"(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

"(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

"(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not be prohibited from—

"(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

"(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; or

"(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

"(c) IN- AND OUT-OF-NETWORK.—

"(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits, except that in no event shall this subsection require the provision of out-of-network coverage for mental health benefits even in the case where out-of-network coverage is provided for medical and surgical benefits.

"(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or coverage in connection with such a plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

"(d) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(e) COST EXEMPTION.—

"(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified

under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

“(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

“(A) 2 percent in the case of the first plan year in which this section is applied; and

“(B) 1 percent in the case of each subsequent plan year.

“(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

“(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connections with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

“(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a)(1) and shall be subject to the applicable notice requirements under section 104(b)(1).

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

“(g) MENTAL HEALTH BENEFITS.—In this section, the term ‘mental health benefits’ means benefits with respect to mental health services (including substance abuse treatment) as defined under the terms of the group health plan or coverage.”

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 1 of part A of title XXVII of the Public Health Service Act is amended by inserting after section 2705 (42 U.S.C. 300gg-5) the following:

**“SEC. 2705A. MENTAL HEALTH PARITY.**

“(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

“(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

“(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

“(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not be prohibited from—

“(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

“(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; or

“(3) be prohibited from applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

“(c) IN- AND OUT-OF-NETWORK.—

“(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits, except that in no event shall this subsection require the provision of out-of-network coverage for mental health benefits even in the case where out-of-network coverage is provided for medical and surgical benefits.

“(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or coverage in connection with such a plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

“(d) SMALL EMPLOYER EXEMPTION.—

“(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

“(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

“(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

“(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

“(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

“(e) COST EXEMPTION.—

“(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or

coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

“(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

“(A) 2 percent in the case of the first plan year in which this section is applied; and

“(B) 1 percent in the case of each subsequent plan year.

“(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

“(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connections with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

“(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a)(1) and shall be subject to the applicable notice requirements under section 104(b)(1).

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

“(g) MENTAL HEALTH BENEFITS.—In this section, the term ‘mental health benefits’ means benefits with respect to mental health services (including substance abuse treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.”

**SEC. 3. EFFECTIVE DATE.**

(a) IN GENERAL.—The provisions of this Act shall apply to group health plans (or health insurance coverage offered in connection with such plans) beginning in the first plan year that begins on or after January 1 of the first calendar year that begins more than 1 year after the date of the enactment of this Act.

(b) TERMINATION OF CERTAIN PROVISIONS.—(1) ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended by striking subsection (f) and inserting the following:

“(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.”

(2) PHSA.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended by striking subsection (f) and inserting the following:

“(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.”.

#### SEC. 4. SPECIAL PREEMPTION RULE.

(a) ERISA PREEMPTION.—Section 731 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

“(c) SPECIAL RULE IN CASE OF MENTAL HEALTH PARITY REQUIREMENTS.—

“(1) IN GENERAL.—Notwithstanding any provision of section 514 to the contrary, the provisions of this part relating to a group health plan or a health insurance issuer offering coverage in connection with a group health plan shall supercede any provision of State law that establishes, implements, or continues in effect any standard or requirement which differs from the specific standards or requirements contained in subsections (a), (b), (c), or (e) of section 712A.

“(2) CLARIFICATIONS.—Nothing in this subsection shall be construed to preempt State insurance laws relating to the individual insurance market or to small employers (as such term is defined for purposes of section 712A(d)).”.

(b) PHSA PREEMPTION.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-23) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

“(c) SPECIAL RULE IN CASE OF MENTAL HEALTH PARITY REQUIREMENTS.—

“(1) IN GENERAL.—Notwithstanding any provision of section 514 of the Employee Retirement Income Security Act of 1974 to the contrary, the provisions of this part relating to a group health plan or a health insurance issuer offering coverage in connection with a group health plan shall supercede any provisions of State law that establishes, implements, or continues in effect any standard or requirement which differs from the specific standards or requirements contained in subsections (a), (b), (c), or (e) of section 2705A.

“(2) CLARIFICATIONS.—Nothing in this subsection shall be construed to preempt State insurance laws relating to the individual insurance market or to small employers (as such term is defined for purposes of section 2705A(d)).”.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to a State, on the date on which the provisions of section 2 apply with respect to group health plans and health insurance coverage offered in connection with group health plans.

#### SEC. 5. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) GROUP HEALTH PLAN OMBUDSMAN.—

(1) DEPARTMENT OF LABOR.—The Secretary of Labor shall designate an individual within the Department of Labor to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under group health plans in accordance with this Act.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning

coverage of mental health services under health insurance coverage issued in connection with group health plans in accordance with this Act.

(b) AUDITS.—The Secretary of Labor and the Secretary of Health and Human Services shall each provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans are in compliance with this Act (and the amendments made by this Act).

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, the impact on benefits and coverage for mental health and substance abuse, the impact of any additional cost or savings to the plan, the impact on State mental health benefit mandate laws, other impact on the business community and the Federal Government, and other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor and the Secretary of Health and Human Services shall jointly promulgate final regulations to carry out this Act.

Mr. ENZI. Mr. President, first and foremost I want to thank my respective colleagues Senator KENNEDY and Senator DOMENICI for their dedication and leadership on the issues of mental health parity. Your commitment and willingness to compromise has gotten us to the point where we are today—introducing a mental health parity bill that has the potential to be signed into law this year.

For many this is monumental. Parity for mental health benefits was first championed by the late Senator Paul Wellstone. Senator DOMENICI in memory of our late colleague took over as the lead advocate for this legislation after the passing of Senator Wellstone.

Today is a reflection of your hard work, Senator DOMENICI, as well as the groundwork that was laid by the late Senator Paul Wellstone.

The advocacy of my good colleagues Senator Wellstone and DOMENICI helped to get the Mental Health Parity Act of 1996 signed into law. This legislation acted as a catalyst for many states to take action in passing their own mental health parity laws. To date 38 States have passed some sort of mental health parity or benefit law. Many of these laws go much farther than the 1996 Act. However, there is a concern that while the 1996 Act requires parity for annual and lifetime dollar limits on coverage, group plans may impose more restrictive treatment and cost sharing requirements. This is a legit concern. There is also a valid concern that requiring parity or mental health benefits will drive up the cost of insur-

ance, and result in group plans offering less coverage or even worse dropping coverage for both mental and physical health. The bill introduced today recognizes both of these concerns and addresses them. This in turn breaks the log jam that has halted efforts in the past three Congresses to pass a Mental Health Parity Act that is more widely known as the Paul Wellstone Mental Health Equitable Treatment Act.

The Mental Health Parity Act we are introducing today is a compromise between the proponents and those who opposed the Paul Wellstone Mental Health Equitable Treatment Act. It is a result of two years of discussion and compromise between the business and insurer industry and the mental health community. I want to thank both of you for coming together in good faith to find a middle ground on an issue has polarized stakeholders. Your support and input has been critical to making this process work. Your willingness to work together to accommodate each others concerns, makes it possible for a mental health parity law to be enacted this Congress.

A vital component of the Mental Health Parity Act introduced today recognizes the importance and need for treating mental health equal to physical health, without unfairly mandating group health plans offer mental health coverage. The legislation applies only to those group health plans that already offer physical and surgical benefits as well as mental health benefits. It does not mandate what types of mental health benefits must receive parity, but leaves that to be defined under the terms of the plan or coverage or as defined under State law. What this legislation does do, is require a plan to provide financial requirements and treatment limitations applied to mental health benefits equal to the financial requirements and treatment limitations applied to medical and surgical benefits that the plan covers. For example, deductibles, co-payments, co-insurance, out of pocket expenses, frequency of treatment, number of visits and days of coverage will now be treated equally for mental health and physical health. To allow for health plans to adequately manage the new parity requirement mechanisms are authorized to allow for medical management tools to be used by health plans. Provisions of this law will preempt provisions of State law that differ. But again, this bill would not preempt State laws mandating that mental health benefits be covered. Furthermore, States that elect to adopt the Federal standards would not be subject to preemption.

In addition, the legislation recognizes the stress many small business employers are under to provide health care to their employees, thus, this bill does exempt small employers. Any employer with 50 or less employees will not be affected by the Federal law, but must still comply with its State law or regulation.

Another critical component of this compromised legislation is a cost exemption. Under the provision, an employer may elect to continue to offer mental health parity if a group plan results in an increase of 2 percent in the case of the first plan year and 1 percent in the case of each subsequent plan year.

The compromises made in this legislation are of great importance to making sure this legislation will not burden employers struggling with health care costs, while not compromising the significance or effect this legislation will have in ensuring individuals have better access to critical mental health services. Approximately 1 in 5 Americans ages 18 and older, have a mental disorder that can be diagnosed in a given year according to the Substance Abuse and Mental Health Service Administration. However, their ability to receive treatment may be hindered due to cost issues or the stigma attached to mental illness. This legislation will help to address both by sending the message that mental health is just as important as physical health, and needs to be treated with the same amount of importance. This bill signals to an individual diagnosed with schizophrenia that his or her illness is as real as an individual diagnosed with diabetes and that they should not have to pay more for the mental illness than the physical. This legislation will help an employee covered by an affected plan who has a child with bipolar disorder better access to the treatment that child needs. In the past 20 years new technologies and treatments have advanced our understanding and ability to treat a mental illness. We now know with the right diagnoses, support, treatment and case management a person with mental illness can be a contributing member of society. It is time to update our laws to reflect this.

While introduction today is a huge step forward for a Mental Health Parity law, much more needs to be done to secure its passage. The legislation, as it is currently crafted, still must pass through the Senate Health, Education, Labor and Pensions Committee as early as Wednesday, the full Senate and then the House. At this point, a process has been created that allows for open and honest discussion. I encourage my colleagues and the stakeholders to continue this process and to remain together throughout each step of the way. By working together, instead of against each other, we can achieve passage of this legislation.

Mr. SMITH. Mr. President, I rise today with my colleagues Senator DOMENICI and Senator KENNEDY to introduce a bill that will have tremendous impact for the millions of Americans who will suffer from mental illness in their lifetime. The Mental Health Parity Act of 2007 is an impor-

tant bill and I look forward to its passage.

Mental illness can affect people of any age, of any race, and of any income. As a parent with a son who struggled with mental illness, I know all too well the indiscriminate nature of the illness and the frightening statistics of its regular occurrence for those we love. The statistics on the prevalence of mental illness are indeed startling. We know that in any given year, more than a quarter of our nation's adults—60 million people—suffer from a diagnosable mental disorder, many of whom suffer in silence. We also know that mental disorders can disrupt lives and are the leading cause of disability for those aged 15–44 in the United States and in Canada.

Mental illness is just as deadly and serious as a physical illness. Suicide takes the lives of more than 30,000 people each year, with more than 700,000 attempts. We also know that suicides outnumber homicides three to one each year. We also know that people who suffer from mental illness suffer from much higher rates of other chronic conditions, such as cardiovascular disease. However, unlike heart attacks and strokes, mental illness is not something that we, as a nation, want to talk about.

However, we know that effective treatment exists for most people suffering. Help is out there, and this bill will help make it available. Mental health is not a Democratic issue or a Republican issue. Too much is at stake when we talk about mental health care reform to get caught up in partisan politics. We need to work together to find solutions. This bill is a big step and an important step in moving that needed reform forward. Through parity, we can alleviate some of the burden on the public mental health system that results when families are forced to turn to the public system when they do not have access to treatment through private plans.

My home State of Oregon had the wisdom and foresight to see that mental health parity was necessary. I am proud that this year they are implementing parity for the people of Oregon. In a 2004 report by the Governor's Mental Health Taskforce, they found that in any given year 175,000 adults and 75,000 children under the age of 18 are in need of mental health services. It also listed as one of the major problems facing the Oregon mental health system the fact that mental health parity was not, at that time, in effect. That is no longer the case and I look forward to seeing significant improvements in the mental health system in Oregon as a result of the hard work done there.

The introduction of this federal legislation is hard fought and so important. I look forward to working with my colleagues to ensure its passage. I urge

my colleagues on both sides of the aisle to support this bill.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 77—EX-PRESSING SUPPORT FOR THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC

Mr. INHOFE (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the committee on Foreign Relations:

S. RES. 77

Whereas, after the collapse of the Somali government in 1991, the main judicial system in Somalia devolved into a system of sharia-based Islamic courts, which have increased their power to include security and enforcement functions;

Whereas, in 2000, the courts consolidated to form the Islamic Courts Union (ICU), which came into conflict with secular warlords in the capital city of Mogadishu by asserting its ever increasing power;

Whereas, the ICU is known to have links to Al-Qaeda and has provided a safe haven for members of Al-Qaeda;

Whereas, by June 2006, ICU forces controlled Mogadishu and much of southern Somalia, creating a potential haven for Islamic terrorists;

Whereas, in 2004, the Transitional Federal Government of the Somali Republic (TFG) was formed in Kenya;

Whereas, in 2006, the TFG army joined forces with the army of the Federal Democratic Republic of Ethiopia to sweep the ICU from power and, after a string of swift military victories, enter Mogadishu; and

Whereas, the current situation is still volatile, creating a short window of opportunity to positively affect Somalia's stability and future status:

Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Senate expresses its support for the Transitional Federal Government of the Somali Republic;

(2) the Senate recognizes Ethiopia, particularly Prime Minister Meles, and Kenya for the noble efforts aimed toward pursuing peace in Somalia and support for the United States in the War on Terror;

(3) the United States should support and push efforts for serious multi-party talks aimed at establishing a national unity government in Somalia;

(4) the United States should take several measures, at an appropriate time, to promote stability;

(5) assistance from the United States will better equip the TFG to face the challenges of restoring peace to this war-torn country;

(6) the United States should promote foreign investment in Somalia and facilitate financial and technical assistance to the TFG; and

(7) the United States should aid the TFG to—

(A) locate and free Somali-owned financial assets throughout the world;

(B) solicit support from other friendly countries; and

(C) encourage nongovernmental organizations to commit more resources and projects to Somalia.



SENATE CONCURRENT RESOLUTION 10—HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 98TH ANNIVERSARY

Mrs. CLINTON (for herself, Mr. REID, Mr. KENNEDY, Mr. SCHUMER, Ms. MIKULSKI, Mr. CARDIN, Mr. LIEBERMAN, Mr. BROWN, Mr. KERRY, Mr. LUGAR, Mr. SANDERS, Mr. CRAPO, Mr. MENENDEZ, Ms. LANDRIEU, Ms. CANTWELL, Mr. LEVIN, Mr. WHITEHOUSE, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. BIDEN, Mr. WEBB, Mr. BYRD, Mr. ROCKEFELLER, Mr. STEVENS, Mr. WARNER, Mr. CASEY, and Mr. BAUCUS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 10

Whereas the National Association for the Advancement of Colored People (NAACP), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who answered "The Call" for a national conference to discuss the civil and political rights of African Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's 1954 decision in *Brown v. Board of Education*, 347 U.S. 483;

Whereas, in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964 (Public Laws 85-315, 86-449, and 88-352), the Voting Rights Act of 1965 (Public Law 89-110), the Fair Housing Act of 1968 (Public Law 90-284), and the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246), laws that ensured legislative protection for victories in the courts; and

Whereas, in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and

Alabama to rebuild their lives after Hurricanes Katrina and Rita: Now, therefore, be it Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 98th anniversary of the historic founding of the National Association for the Advancement of Colored People; and (2) honors and praises the National Association for the Advancement of Colored People for its work to ensure the political, educational, social, and economic equality of all persons.

Mrs. CLINTON. Mr. President, as today marks the 98th anniversary of the founding of the National Association for the Advancement of Colored People (NAACP), I am proud to submit a concurrent resolution to honor our country's oldest and largest civil rights organization for the work they have done to change the path of our Nation. The legacy of pioneers such as W.E.B. Du Bois, Thurgood Marshall, Rosa Parks, hundreds more cannot and must not be forgotten. I urge my colleagues to support this resolution honoring and praising the NAACP for 98 years of championing the cause of equality in the United States.

At the dawn of the 20th century—over half a century after the Civil War—African Americans were still denied the full rights of citizenship. They were forced to endure the daily humiliation and struggle of economic exploitation, social segregation, and sometimes even physical brutality. Racial tensions began to escalate, resulting in riots and lynchings.

It was at this critical juncture in our Nation's history that a group of concerned citizens, recognizing the urgent need to address these intolerable conditions, gathered to form the National Association for the Advancement of Colored People in New York City.

Since its founding, the NAACP has sought to eliminate racial discrimination and has fought for the social, political, and economic equality of all Americans, while maintaining its commitment to nonviolence in achieving these goals.

In 1918, the NAACP successfully persuaded President Wilson to publicly condemn lynching and continued to raise awareness about this horrifying crime. The NAACP fought for, and ultimately achieved, desegregation of the military as well as other federal government institutions.

They were also deeply influential in watershed court cases such as *Buchanan vs. Warley*, where the Supreme Court held that states cannot restrict and segregate residential districts. In the landmark case *Brown v. Board of Education*, the NAACP successfully argued that the "separate, but equal" doctrine was unconstitutional, thereby making segregation in public schools illegal. The NAACP has also played an integral role in the passage of essential civil rights legislation, including the Civil Rights Act of 1957, 1960, and 1964, the Voting Rights Act of 1965, and the Fair Housing Rights Act. Their efforts continue today. The NAACP led efforts to reauthorize the Voting Rights Act last year. They recognize that we must continue vigilantly to guard against

the resurgence of discriminatory practices that would deprive African Americans of the most fundamental right of democracy—the right to vote.

Notwithstanding its powerful voice and extraordinary accomplishments, we must never forget that the NAACP works through the tireless efforts of its individual members united around a common vision of justice and equality. One act of civil disobedience, by NAACP member Rosa Parks, helped to spark the civil rights movement. Another member, Medgar Evers, worked tirelessly, despite many threats, to desegregate schools and to investigate the murder of Emmett Till.

Mary Burnett Talbert, a teacher in Little Rock, Arkansas, was one of the founders of the NAACP and eventually became its president. She once wrote that "by her peculiar position the colored woman has gained clear powers of observation and judgment—exactly the sort of powers which are today peculiarly necessary to the building of an ideal country." The NAACP continues to take us closer to the "ideal country" that Mary Talbert envisioned, with every public education campaign, every fight over a judicial nomination, and every lobbying effort to pass progressive legislation.

The NAACP's has always been a multiracial and multicultural organization. Many of its founding members were white, including Oswald Garrison Villiard, Mary White Ovington, and Henry Moscowitz.

Despite the last century of achievements, substantial racial disparities still persist today in educational achievement, access to health care, and economic prosperity. Hurricane Katrina highlighted the tragic and enduring link between race and poverty in our country, as well as emphasized our nation's failure to care for those among us least able to provide for themselves. It is no surprise that the NAACP raised nearly \$2 million to aid the victims of the hurricane.

The NAACP has always stood ready to face these and other challenges. Ninety-eight years after a group of concerned citizens assembled in New York around the common goal of creating a more just society, the NAACP's half million members continue to lead the way towards positive social change.

For striving and continuing to push our nation closer to the promise of equality envisioned in our Constitution, we must honor the NAACP.

AMENDMENTS SUBMITTED AND PROPOSED

SA 250. Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table.

SA 251. Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 252. Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 253. Mr. DeMINT submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 254. Mr. BURR submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 255. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 256. Mr. CRAPO submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 257. Mr. CORNYN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 258. Mr. CORNYN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 259. Mr. WARNER (for himself, Mr. LEVIN, Ms. COLLINS, Mr. NELSON, of Nebraska, Mr. HAGEL, Ms. SNOWE, Mr. SMITH, Mr. BIDEN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 260. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 261. Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 262. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 263. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 250.** Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 10 and 11, insert the following:

### “CHAPTER \_\_\_\_\_—GENERAL PROVISIONS

“SEC. 2 \_\_\_\_\_. (a) Each audit, report, and review described in subsection (b) shall be posted for the public on the Internet website of the Federal agency or department required to submit the audit, report, or review, not later than 48 hours after the submission of the audit, report, or review to Congress.

“(b) The audits, reports, and reviews described in this subsection are those audits, reports, and reviews required by this resolution to be submitted by a Federal agency or department to the Committees on Appropriations of the Senate and House of Representatives.

“(c) In posting an audit, report, or review on an Internet website under subsection (a), a Federal agency or department may redact any information the release of which to the public would, as determined by that agency or department, compromise the national security of the United States.

**SA 251.** Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, in addition to amounts otherwise appropriated or made available in this division, \$1,000,000,000 is appropriated to the Commodity Credit Corporation for the provision of agricultural emergency relief.

“(b) Notwithstanding any other provision of this Act, the amount made available for the Community Development Fund under section 21037 shall be \$2,771,900,000, of which \$2,710,916,000 shall be for carrying out the community development block grant program.

**SA 252.** Mr. COBURN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 5, strike “malaria” and insert: “malaria: *Provided*, That the Global Fund to Fight AIDS, Tuberculosis and Malaria shall post on a publicly available website all internally and externally commissioned audits, program reviews, evaluations, and inspector general reports and findings not later than 7 days after they are reported to the Secretariat or any member of the Board of the Global Fund to Fight AIDS, Tuberculosis and Malaria”.

**SA 253.** Mr. DeMINT submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 18 through 22 and insert the following:

SEC. 112. (a) Any language specifying a congressional earmark (as defined in a bill, S. 1, as passed by the Senate on January 18, 2007) in a committee report or statement of managers accompanying any appropriations Act for any fiscal year or any direct communications between federal agencies and Members of Congress or their staff shall have no effect, legal or otherwise, with respect to funds appropriated by this division.

(b) Nothing in section 113 shall be used to circumvent the restriction on earmarks in this section.

**SA 254.** Mr. BURR submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_\_. BIODEFENSE MEDICAL COUNTERMEASURE DEVELOPMENT FUND.

There are appropriated \$160,000,000 to the Biodefense Medical Countermeasure Development Fund (as established in section 319L of the Public Health Service Act) to implement section 319L of the Public Health Service Act (the Biomedical Advanced Research

and Development Authority) and to support the advanced research and development of products that are or may become qualified countermeasures (as defined in section 319F-1 of such Act) or qualified pandemic or epidemic products (as defined in section 319F-3 of such Act).

**SA 255.** Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_\_. FUNDING SHORTFALLS IN THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) IN GENERAL.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006, is amended—

(1) in the heading for paragraph (2), by striking “REMAINDER OF REDUCTION” and inserting “PART”;

(2) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(3) in each of subparagraphs (A) and (B) of paragraph (6) (as redesignated by subparagraph (B) of this paragraph), by striking “and (3)” and inserting “(3), and (4)”;

(4) in paragraph (7) (as so redesignated), by striking “and (3) in accordance with paragraph (5)” and inserting “(3), and (4) in accordance with paragraph (6)”;

(5) by inserting after paragraph (3), the following:

“(4) SPECIAL RULES FOR ADDITIONAL REDISTRIBUTION OF AMOUNTS NECESSARY TO ADDRESS FISCAL YEAR 2007 FUNDING SHORTFALLS.—With respect to months beginning during fiscal year 2007 after April 30, 2007, the Secretary shall apply this subsection in accordance with the following rules:

“(A) ADDITIONAL REDISTRIBUTION OF CERTAIN UNEXPENDED 2005 ALLOTMENTS.—

“(i) Paragraphs (2)(A), (2)(B), (3) (A), and (3)(B) shall be applied by substituting ‘April 30’ for ‘March 31’ each place it appears.

“(ii) Paragraph (3)(C) shall be applied—

“(I) by substituting ‘the amount described in subparagraph (A)(ii)(I) shall not be available for expenditure by the State on or after May 1, 2007’ for ‘the applicable amount described in clause (ii) shall not be available for expenditure by the State on or after April 1, 2007’; and

“(II) without regard to clause (ii).

“(iii) Paragraph (2)(B)(ii) shall be applied by substituting ‘paragraph (1) and this paragraph (for months beginning during fiscal year 2007 after March 31, 2007)’ for ‘paragraph (1)’.

“(iv) The heading for paragraph (3) shall be applied by substituting ‘7 MONTHS’ for ‘HALF’.

“(v) Without regard to that portion of paragraph (6)(A) that begins with ‘, but in no case’ and ends with ‘March 31, 2007’.

“(B) REDISTRIBUTION OF CERTAIN UNEXPENDED 2006 ALLOTMENTS.—After applying this subsection in accordance with subparagraph (A), the Secretary shall further apply this subsection in accordance with the following rules:

“(i) Paragraph (3)(A)(i) shall be applied by substituting ‘fiscal year 2006’ for ‘fiscal year 2005’.

“(ii) Paragraph (3)(B) shall be applied by substituting ‘fiscal year 2008’ for ‘fiscal year 2007’.

“(iii) Paragraph (3)(C)(i) shall be applied by substituting ‘May 1’ for ‘April 1’.

“(iv) Paragraph (3)(C) shall be applied by substituting the following clause for clause (ii) of such paragraph:

“(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount described in this clause is—

“(I) the amount by which the amount described in subparagraph (A)(ii)(I), exceeds the total of the amounts the Secretary determines will eliminate the estimated shortfalls for all States described in paragraph (2)(B) (after the application of subparagraph (A)) for the fiscal year; multiplied by

“(II) the ratio of the amount described in subparagraph (A)(ii)(I) with respect to the State to the total the amounts described in subparagraph (A)(ii)(I) for all States.”

“(v) Paragraph (6)(B) shall be applied—

“(I) by substituting ‘2005 OR 2006’ for ‘2005’; and

“(II) by substituting ‘fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 or fiscal year 2006 under such subsection that remain unexpended through the end of fiscal year 2008’ for ‘fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007’.

“(vi) Without regard to—

“(I) that portion of paragraph (6)(A) that begins with ‘, but in no case’ and ends with ‘March 31, 2007’; and

“(II) paragraph (6)(C)(i).”

(b) ADDITIONAL CONFORMING AMENDMENTS.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)) (as so added) is further amended—

(1) in paragraph (1)(B), by striking “paragraph (4)(B)” and inserting “paragraph (5)(B)”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “paragraph (5)(B)” and inserting “paragraph (6)(B)”; and

(B) in subparagraph (B), by striking “paragraph (4)(B)” and inserting “paragraph (5)(B)”.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section take effect on the date of enactment of this Act and apply without fiscal year limitation.

**SA 256.** Mr. CRAPO submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**“SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING REPORTS ON CAPITAL MARKETS.**

“(a) FINDINGS.—The Senate finds that—

“(1) the Interim Report of the Committee on Capital Markets Regulation (published in November 2006) and the McKinsey Report on New York Competitiveness (published in January 2007) have expressed concerns that United States capital markets are losing their competitive edge in intensifying global competition, both reports adding considerably to the understanding of the challenges that American capital markets face and offer solutions that could help American markets, companies, and workers to better compete;

“(2) according to the Committee on Capital Markets Regulation, ‘A key measure of competitiveness, one particularly relevant to the growth of new jobs, is where new equity is being raised—that is, in which market initial public offerings (IPOs) are being done. The trend in so-called ‘global’ IPOs, i.e., IPOs done outside a company’s home country, provides evidence of a decline in the U.S. competitive position. As measured by value of

IPOs, the U.S. share declined from 50 percent in 2000 to 5 percent in 2005. Measured by number of IPOs, the decline is from 37 percent in 2000 to 10 percent in 2005.’;

“(3) according to the McKinsey Report on New York Competitiveness, ‘London already enjoys clear leadership in the fast-growing and innovative over-the-counter (OTC) derivatives market. This is significant because of the trading flow that surrounds derivatives markets and because of the innovation these markets drive, both of which are key competitive factors for financial centers. Dealers and investors increasingly see derivatives and cash markets as interchangeable and are therefore combining trading operations for both products. Indeed, the derivatives markets can be more liquid than the underlying cash markets. Therefore, as London takes the global lead in derivatives, America’s competitiveness in both cash and derivatives flow trading is at risk, as is its position as a center for financial innovation’; and

“(4) according to the Committee on Capital Markets Regulation, ‘Maximizing the competitiveness of U.S. capital markets is critical to ensuring economic growth, job creation, low costs of capital, innovation, entrepreneurship and a strong tax base in key areas of the country. Regulation and litigation play central roles in protecting investors and the efficient functioning of our capital markets, particularly in light of recent, highly publicized abuses. Yet excessive regulation, problematic implementation and unwarranted litigation—particularly when occurring simultaneously—make U.S. capital markets less attractive and, therefore, less competitive with other financial centers around the world.’

“(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

“(1) Congress, the President, regulators, industry leaders, and other stakeholders should carefully review the Interim Report of the Committee on Capital Markets Regulation (published in November 2006) and the McKinsey Report on New York Competitiveness (published in January 2007), and take the necessary steps to reclaim the pre-eminent position of the United States in the financial services industry;

“(2) the Federal and State financial regulatory agencies should, to the maximum extent possible, coordinate activities on significant policy matters, so as not to impose regulations that may have adverse unintended consequences on innovativeness with respect to financial products, instruments, and services, or that impose regulatory costs that are disproportionate to their benefits, and, at the same time, ensure that the regulatory framework overseeing the United States capital markets continues to promote and protect the interests of investors in those markets; and

“(3) given the complexity of the financial services marketplace today, Congress should exercise vigorous oversight over Federal regulatory and statutory requirements affecting the financial services industry and consumers, with the goal of eliminating excessive regulation and problematic implementation of existing laws and regulations.

**SA 257.** Mr. CORNYN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, after line 24, add the following: “SEC. 20327. In addition to the amounts otherwise appropriated or made available by this division or any other Act, \$36,000,000

shall be available to carry out the Energy FutureGen Project of the Department of Energy, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act, except each other program and project for which funds are made available by chapters 2, 3, and 8.”

**SA 258.** Mr. CORNYN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 7, before the semi-colon insert “(and an additional \$18,000,000 offset by a \$18,000,000 reduction in the account ‘Department of State, Administration of Foreign Affairs, Educational and Cultural Exchange’)”.

**SA 259.** Mr. WARNER (for himself, Mr. LEVIN, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. HAGEL, Ms. SNOWE, Mr. SMITH, Mr. BIDEN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

**SEC. \_\_\_\_ SENSE OF SENATE ON IRAQ.**

(a) FINDINGS.—The Senate makes the following findings:

(1) We respect the Constitutional authorities given a President in article II, section 2, which states that “The President shall be commander in chief of the Army and Navy of the United States”; it is not the intent of this section to question or contravene such authority, but to accept the offer to Congress made by the President on January 10, 2007, that, “if members have improvements that can be made, we will make them. If circumstances change, we will adjust”.

(2) The United States strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship.

(3) Over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States Armed Forces, and are deserving of the support of all Americans, which they have strongly.

(4) Many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families.

(5) The U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan.

(6) These deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our Nation’s all volunteer force.

(7) In the National Defense Authorization Act for Fiscal Year 2006, the Congress stated that “calendar year 2006 should be a period of significant transition to full sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq”.

(8) United Nations Security Council Resolution 1723, approved November 28, 2006,

"determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security".

(9) Iraq is experiencing a deteriorating and ever-widening problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims.

(10) Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq.

(11) The responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi Security Forces.

(12) U.S. Central Command Commander General John Abizaid testified to Congress on November 15, 2006, "I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future".

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, that "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians".

(14) There is growing evidence that Iraqi public sentiment opposes the continued U.S. troop presence in Iraq, much less increasing the troop level.

(15) In the fall of 2006, leaders in the Administration and Congress, as well as recognized experts in the private sector, began to express concern that the situation in Iraq was deteriorating and required a change in strategy; and, as a consequence, the Administration began an intensive, comprehensive review by all components of the Executive Branch to devise a new strategy.

(16) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly".

(17) On January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy (hereinafter referred to as the "plan"), which consists of three basic elements: diplomatic, economic, and military; the central component of the military element is an augmentation of the present level of the U.S. military forces through additional deployments of approximately 21,500 U.S. military troops to Iraq.

(18) On January 10, 2007, the President said that the "Iraqi government will appoint a military commander and two deputy commanders for their capital" and that U.S. forces will "be embedded in their formations"; and in subsequent testimony before the Armed Services Committee on January 25, 2007, by the retired former Vice Chief of the Army it was learned that there will also be a comparable U.S. command in Baghdad, and that this dual chain of command may be problematic because "the Iraqis are going to be able to move their forces around at times where we will disagree with that movement", and called for clarification.

(19) This proposed level of troop augmentation far exceeds the expectations of many of us as to the reinforcements that would be necessary to implement the various options for a new strategy, and led many members of Congress to express outright opposition to augmenting our troops by 21,500.

(20) The Government of Iraq has promised repeatedly to assume a greater share of security responsibilities, disband militias, consider Constitutional amendments and enact laws to reconcile sectarian differences, and improve the quality of essential services for the Iraqi people; yet, despite those promises, little has been achieved.

(21) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists.

(22) The recommendations in this section should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Senate disagrees with the "plan" to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below;

(2) the Senate believes the United States should continue vigorous operations in Anbar province, specifically for the purpose of combating an insurgency, including elements associated with the Al Qaeda movement, and denying terrorists a safe haven;

(3) the Senate believes a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

(4) the Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such an action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions;

(5) the primary objective of the overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation;

(6) the military part of this strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, supporting Iraqi efforts to bring greater security to Baghdad, and training and equipping Iraqi forces to take full responsibility for their own security;

(7) United States military operations should, as much as possible, be confined to these goals, and should charge the Iraqi military with the primary mission of combating sectarian violence;

(8) the military Rules of Engagement for this plan should reflect this delineation of responsibilities, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff should clarify the command and control arrangements in Baghdad;

(9) the United States Government should transfer to the Iraqi military, in an expeditious manner, such equipment as is necessary;

(10) the United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace-and-reconciliation process for Iraq;

(11) the Administration should provide regular updates to the Congress, produced by the Commander of United States Central Command and his subordinate commanders, about the progress or lack of progress the Iraqis are making toward this end; and

(12) our overall military, diplomatic, and economic strategy should not be regarded as an "open-ended" or unconditional commitment, but rather as a new strategy that hereafter should be conditioned upon the Iraqi government's meeting benchmarks that must be delineated in writing and agreed to by the Iraqi Prime Minister. Such benchmarks should include, but not be limited to, the deployment of that number of additional Iraqi security forces as specified in the plan in Baghdad, ensuring equitable distribution of the resources of the Government of Iraq without regard to the sect or ethnicity of recipients, enacting and implementing legislation to ensure that the oil resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner, and the authority of Iraqi commanders to make tactical and operational decisions without political intervention.

**SA 260.** Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. \_\_\_\_\_. Notwithstanding any other provision of law, amounts deposited or available in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) shall not be subject to any obligatory limitation in any fiscal year. Amounts made available in this Act, except for amounts for defense, homeland security, and chapter 8, shall be reduced on a pro rata basis by the percentage required to reduce the overall amount made available by \$1,253,000,000."

**SA 261.** Mr. KYL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. \_\_\_\_\_. Notwithstanding any other provision of law, amounts deposited or available in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) in any fiscal year in excess of \$1,000,000,000 shall not be available for obligation until the next fiscal year and such additional amounts shall only be available for the purposes of such fund. Amounts made available in this Act, except for amounts for defense, homeland security, and chapter 8, shall be reduced on a pro rata basis by the percentage required to reduce the overall amount made available by \$1,253,000,000."

**SA 262.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, between lines 13 and 14, insert the following:

"SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, the Secretary of Agriculture may use 1 or more competitive grant programs to distribute funding made available under the heading 'Cooperative State Research, Education, and Extension Service' for fiscal year 2007.

**SA 263.** Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, after line 6, insert the following:

SEC. \_\_\_\_\_. Notwithstanding section 101, for the Office of Justice Programs, State and Local Law Enforcement Assistance, \$85,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104-294 (42 U.S.C. 13751 note). Amounts made available in this Act, except for amounts for defense, homeland security, and chapter 8, shall be reduced on a pro rata basis by the percentage required to reduce the overall amount made available by \$85,000,000.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 14, 2007, at 11:30 a.m., to conduct a hearing on Senate Committee Budget Requests.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee at 224-6352.

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 15, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing the President's fiscal year 2008 Budget Request for Tribal Programs.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Monday, February 12, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The dual purpose of this hearing is to receive recommendations on policies and programs to improve the energy efficiency of buildings and to expand the role of electric and gas utilities in energy efficiency programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate on January 24, 1901, as modified by the order of February 5, 2007, appoints the Senator from Tennessee, Mr. CORKER, to read Washington's Farewell Address on Monday, February 26, 2007.

## ORDER FOR STAR PRINT—S. 80

Mr. SANDERS. Mr. President, I ask unanimous consent S. 80 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ANTITRUST MODERNIZATION COMMISSION EXTENSION ACT OF 2007

Mr. SANDERS. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 742 received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 742) to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANDERS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the bill be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 742) was ordered to a third reading, was read the third time and passed.

## ORDERS FOR TUESDAY, FEBRUARY 13, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, February 13; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 12:30 p.m., with Senators permitted to speak therein, with the time equally divided and controlled between the two leaders or their designees; that at 12:30 p.m., the Senate stand in recess until 2:15 p.m., for the conference recess period; that upon reconvening at 2:15 p.m., the Senate resume H.J. Res. 20 and that the time until 2:30 p.m. be equally divided and controlled between the two leaders or their designees; that at 2:30 p.m., without further intervening action or debate, the Senate proceed to vote on the

motion to invoke cloture on H.J. Res. 20; that on Tuesday Members have until 12 noon to file second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to the consideration of Executive Calendar No. 23; that the nomination be confirmed and the motion to reconsider be laid upon the table; that any statements thereon be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

### DEPARTMENT OF STATE

John D. Negroponte, of New York, to be Deputy Secretary of State.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDER FOR ADJOURNMENT

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order, at the conclusion of Senator SMITH's remarks.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. SANDERS. I thank the Senator. Mr. SMITH. I thank the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Oregon.

## CONTINUING APPROPRIATIONS

Mr. SMITH. Mr. President, I have detailed for you the dramatic story of Federal timber in Oregon. That serves as the backdrop for the issue at hand. As I mentioned I before, 25 percent of Forest Service timber receipts have been given to counties—nationwide—since 1908.

The Twenty-Five Percent Fund Act, Public Law 60-136, reads as follows:

### PAYMENT OF RECEIPTS FOR SCHOOLS AND ROADS

On and after May 23, 1908, twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State or Territory in which such national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of

the county or counties in which such national forest is situated:

Provided, That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber.

Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract.

The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes. (16 U.S.C. 550)

#### LAW ENFORCEMENT ASSISTANCE

Officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States and Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and, with respect to national forests, shall aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed on them by law. (16 U.S.C. 553)

#### EXPENDITURES FOR FOREST FIRE EMERGENCIES

Advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the General Account Office. (16 U.S.C. 556d)

Beginning in the late 1980s, timber sale receipts, the primary funding source for the 25 Percent Fund Act, began a precipitous decline for reasons I have explained earlier.

This plunge in receipts intensified and then bottomed out at a much lower level in the 1990s. The decline in receipts impacted rural communities in the West, particularly communities in Washington, Oregon, northern California, and Idaho.

For example, fiscal year 1998 national forest revenues were \$557 million—only 36 percent of the fiscal year 1989 peak revenues of \$1.531 billion. In fiscal year 2004, national forest revenues were \$281.1 million.

Payments to many States under the 25 Percent Fund Act declined by an average of 70 percent from 1986 through 1998.

Now these are national figures. Those in Oregon were far more severe, reflecting the drastic halt in the Federal timber sale program there.

The problem was compounded because 18 Oregon counties have a dif-

ferent revenue-sharing agreement with the Bureau of Land Management that manages the O&C lands of western Oregon.

In the original 1937 statute, the BLM is required to give 75 percent of timber revenue to the O&C counties. For the benefit of my colleagues, allow me to read this statute:

#### PUBLIC LAW NUMBER 405 OF THE 75TH CONGRESS—H.R. 7618

AN ACT Relating to the revested Oregon and California Railroad and re-conveyed Coos Bay Wagon Road grant lands situated in the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and California Railroad and re-conveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 3 hereof, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities:

Provided, That nothing herein shall be construed to interfere with the use and development of power sites as may be authorized by law. The annual productive capacity for such lands shall be determined and declared as promptly as possible after the passage of this Act, but until such determination and declaration are made the average annual cut there from shall not exceed one-half billion feet board measure:

Provided, That timber from said lands in an amount not less than one-half billion feet board measure, or not less than the annual sustained yield capacity when the same has been determined and declared, shall be sold annually, or so much thereof as can be sold at reasonable prices on a normal market.

If the Secretary of the Interior determines that such action will facilitate sustained-yield management, he may subdivide such revested lands into sustained-yield forest units, the boundary lines of which shall be so established that a forest unit will provide, insofar as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region; but until such subdivision is made the land shall be treated as a single unit in applying the principle of sustained yield:

Provided, That before the boundary lines of such forest units are established, the Department, after published notice thereof, shall hold a hearing thereon in the vicinity of such lands open to the attendance of State and local officers, representatives of dependent industries, residents, and other persons interested in the use of such lands.

Due consideration shall be given to established lumbering operations in subdividing such lands when necessary to protect the economic stability of dependent communities. Timber sales from a forest unit shall be limited to the productive capacity of such unit and the Secretary is authorized, in his discretion, to reject any bids which may interfere with the sustained-yield management plan of any unit.

Section 2. The Secretary of the Interior is authorized, in his discretion, to make coop-

erative agreements with other Federal or State forest administrative agencies or with private forest owners or operators for the coordinated administration, with respect to time, rate, method of cutting, and sustained yield, or forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes hereinbefore mentioned.

Section 3. The Secretary of the Interior is authorized to classify, either on application or otherwise, and restore to homestead entry, or purchase under the provisions of section 14 of the Act of June 28, 1934 (48 Stat. 1269), any of such revested or reconveyed land which, in his judgment, is more suitable for agricultural use than for afforestation, reforestation, stream-flow protection, recreation, or other public purposes.

Any of said lands heretofore classified as agricultural may be reclassified as timber lands, if found, upon examination, to be more suitable for the production of trees than agricultural use, such reclassified timber lands to be managed for permanent forest production as herein provided.

Section 4. The Secretary of the Interior is authorized, in his discretion, to lease for grazing any of said revested or reconveyed lands which may be so used without interfering with the production of timber or other purposes of this Act as stated in section 1:

Provided, That all the moneys received on account of grazing leases shall be covered either into the "Oregon and California land-grant fund" or the "Coos Bay Wagon Road grant fund" in the Treasury as the location of the leased land shall determine, and be subject to distribution as other moneys in such funds:

Provided further, That the Secretary is also authorized to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

Section 5. The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

The Secretary of the Interior is further authorized, in formulating forest-practice rules and regulations, to consult with the Oregon State Board of Forestry, representatives of timber owners and operators on or contiguous to said revested and reconveyed lands, and other persons or agencies interested in the use of such lands.

In formulating regulations for the protection of such timberlands against fire, the Secretary is authorized, in his discretion, to consult and advise with Federal, State, and county agencies engaged in forest-fire-protection work, and to make agreements with such agencies for the cooperative administration of fire regulations therein:

Provided, That rules and regulations for the protection of the revested lands from fire shall conform with the requirements and practices of the State of Oregon insofar as the same are consistent with the interests of the United States.

#### TITLE II

That on and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to the counties in which the lands revested under the Act of



June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds.

(b) Twenty-five per centum to said counties as money in lieu of taxes accrued or which shall accrue to them prior to March 1, 1938, under the provisions of the Act of July 13, 1926 (44 Stat. 915), and which taxes are unpaid on said date, such moneys to be paid to said counties severally by the Secretary of the Treasury of the United States, upon certification by the Secretary of the Interior, until such tax indebtedness as shall have accrued prior to March 1, 1938, is extinguished.

From and after payment of the above accrued taxes said 25 per centum shall be accreted annually to the general fund in the Treasury of the United States until all reimbursable charges against the Oregon and California land-grant fund owing to the general fund in the Treasury have been paid:

Provided, That if for any year after the extinguishment of the tax indebtedness accruing to the counties prior to March 1, 1938, under the provisions of Forty-fourth Statutes, page 915, the total amount payable under subsection (a) of this title is less than 78 per centum of the aggregate amount of tax claims which accrued to said counties under said Act for the year 1934, there shall be additionally payable for such year such portion of said 25 per centum (but not in excess of three-fifths of said 25 per centum), as may be necessary to make up the deficiency.

When the general fund in the Treasury has been fully reimbursed for the expenditures which were made charges against the Oregon and California land-grant fund said 25 per centum shall be paid annually, on or after June 30, to the several counties in the manner provided in subsection (a) hereof.

(c) Twenty-five per centum to be available for the administration of this Act, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States:

Provided, That moneys covered into the Treasury in such manner shall be used to satisfy the reimbursable charges against the Oregon and California land-grant fund mentioned in subsection (b) so long as any such charges shall exist.

All Acts or parts of Acts in conflict with this Act are hereby repealed to the extent necessary to give full force and effect to this Act.

Approved, August 28, 1937.

As my colleagues have just heard, the O&C Act mandates permanent timber production from these lands for the benefit of the counties.

This is a drastically different management direction than the National Forests. In fact, the act states that timber production should not be less than half a billion board feet a year—500 million board feet—but within the sustained yield level.

This means harvesting less than the growth rate of the trees, while still meeting goals for protection of water and wildlife.

In the 1980s, the harvest level on the O&C lands was well in excess of a billion board feet per year. By 1990, harvest had fallen to 100 million board feet—a 94-percent drop within a decade.

Between the O&C Act and the 25 Percent Act, revenue sharing with Oregon counties capitalized public services in my State for generations.

These funds literally built the libraries and schools and roads in the rural parts of Oregon. They paid the bills, bought the books and kept communities safe.

And then, all of a sudden, those funds vanished into thin air. Hundreds of communities in my State—landlocked by Federal land—were left to wither and die on the Federal vine.

In some school districts, revenues from the Forest Service have declined by as much as 90 percent. Timber receipts to Grant County, OR, for roads and schools declined from a high of \$12.4 million in 1992 to \$1.9 million in 1997.

Schools there operated 4 days a week. Road crews were laid off. Law enforcement and search and rescue were curtailed.

The evisceration of public services in rural counties was matched by affliction in the private sector. In April 1999, 14 of Oregon's 36 counties had an unemployment rate at least twice the national average of 4.1 percent.

There were six counties with unemployment rates in excess of 10 percent, led by Grant County with nearly 17 percent.

It is by no means an exaggeration that this condition was a direct result of Federal forest management decisions.

And Oregon was not the only State held to the flames. The shadow of the Clinton forest philosophy fell upon every State with public lands.

Impacted communities in Idaho, Alaska, California, Montana, Texas, Arkansas, Mississippi, West Virginia, and South Dakota were in equally dire circumstances.

Congress responded to the outcry of these communities. Led by my colleague from Oregon, Senator WYDEN, and my colleague from Idaho, Senator CRAIG—Congress developed a safety net to stop the hemorrhage.

The future of that safety net—and of the communities helplessly held in it—is why I stand in the Senate chamber today.

Mr. President, I do want to talk about Oregon impacts.

On October 30, 2000, Public Law 106-393 was signed into law to offset the effect of decreased revenues available to States from declining timber harvests on Federal lands.

Also known as the Secure Rural Schools and Community Self-Determination Act, it authorized a temporary alternative to the receipts-based payment of the previous 100 years.

In essence, the Secure Rural Schools Act provided direct funding to counties and States based on historic rather than actual timber harvests and receipts. This statute provided annual payments to States for fiscal years 2001 to 2006. An eligible county had the op-

tion of electing to receive its share of the State's 25-percent payment or its share of the average of the State's three highest 25-percent payments from fiscal years 1986 through 1999.

Of the 717 counties and the 4,400 rural schools in 41 States that were eligible for their share of the State's amount under the act, 550, or 77 percent, initially decided to accept that payment in fiscal year 2001. By 2003, 615 counties, or 86 percent, of eligible counties took the safety net payments rather than payment from actual timber harvests.

The majority of these counties are located in the western and southern portions of this country, while those that have remained under the 25 Percent Fund Act are primarily in the Great Lakes area, where Federal timber harvest has remained sustainable.

Payments from National Forests authorized by the Secure Rural Schools Act have totaled over \$1 billion, and have averaged over \$301 million each year since the act was implemented. Payments have varied by region of the country. For example, the fiscal year 2004 payments distribution included approximately \$37 million to southern States, \$14 million to northeast and midwest States, \$273 million to Oregon, Washington, and California, and \$71 million to the other western States.

I should note that these figures represent Forest Service allocations, and Oregon receives an additional payment for the O&C lands.

Funding derived from the Treasury has provided not only more stable funding but also significantly higher payments than would have been the case under the 25 Percent Fund. For example, if payments were still based on 25 percent of actual timber receipts in 2004, the total payment to all States would be \$71.4 million. In comparison, the full payment amount for all States for fiscal year 2005 is \$395.7 million, an 82-percent difference nationwide.

When President Clinton signed the Secure Rural Schools bill into law, his press release stated:

Rural communities will no longer be dependent on decreasing federal timber sales to staff and equip schools and provide essential government services.

However, the President wrongly assumed that his Northwest Forest Plan was working. Again, his release stated:

The President's Pacific Northwest Forest Plan broke the stalemate over the northern spotted owl, balancing the preservation of old-growth stands with the economic needs of timber-dependent communities.

While the current administration is doing what it can to bring Federal forest management up to speed, Oregon communities find themselves in the same situation they were in a decade ago.

The county payments safety net expired last September. As this Chamber considers this half-trillion-dollar spending bill, Oregon county commissioners are preparing for a budgetary doomsday scenario. Let me describe what this grim situation is looking like to them.

Baker County: Home of the Oregon Trail Interpretive Center, the Geiser Grand Hotel, and named for COL Edward Baker—Mr. President, I will bet you did not know that there is one State that has more than two statues in Statuary Hall. That State is Oregon. We all get two, but Oregon got three because Edward Baker was a Senator killed in one of the first actions of the Civil War at Ball's Bluff, VA. He was also a former law partner to Abraham Lincoln.

He found his way on a speechmaking tour to Oregon. They were so impressed with him they asked him to be their Senator. I have his seat today. He came back here as a sitting Senator and as an officer in the United States cavalry. While serving in both capacities, he lost his life. So Edward Baker, an Oregonian only briefly, has the third statue for Oregon in Statuary Hall. It is said that at his funeral, conducted in the Rotunda, it was difficult to hear because of the audible sobbings of the President of the United States, Abraham Lincoln.

In 2004, the Baker County Road Department received \$577,000 from the Secure Rural Schools and Community Self-Determination Act. If the Baker County Road Department had to rely on actual timber receipt revenue, they would have received only a fraction of that. In 2004, the Baker County School District received \$211,000 from the safety net.

Let me go to Benton County, the home of the Oregon State Beavers. It is one of seven counties nationwide to be named for a U.S. Senator, Thomas Hart Benton of Missouri—a longtime advocate of the development of Oregon country. Benton County stands to lose 15 percent of its general discretionary budget, including \$285,000 from its road department.

Clackamas County, home of Mount Hood and the historic Timberline Lodge that President Roosevelt dedicated. Between 1984 and 2001, timber harvest fell on the Mount Hood National Forest by 97 percent.

Clackamas County stands to lose \$10 million per year without an extension of the safety net.

In 2004, the Clackamas County Road Department alone received over \$4 million from the Secure Rural Schools and Community Self-Determination Act. If the Clackamas County Road Department had to rely on actual timber receipt revenue, they would have received \$333,128 from U.S. Forest Service lands, a 92-percent reduction in these Federal funds.

Clackamas County schools will receive \$1.5 million a year from the Secure Rural Schools and Community Self-Determination Act. That goes away.

Columbia County: In 2004, their discretionary general fund received over \$2 million from the safety net. This represents 31 percent of Columbia County's discretionary general fund.

Coos County used to be home to the world's largest lumber-exporting port.

Coos County has not only been hard hit by Federal timber policies, but by the collapse of federally managed fisheries.

The safety net provides nearly \$8 million a year to Coos County—more than twice what the county can collect in property taxes. Without the safety net, 45 percent of its road and general fund will vanish.

County officials expect to lay off a third of their road crew. Nineteen employees at the Coos County Sheriff's Department have already received their pink slips telling them not to show up for work on February 27. These workers included corrections officers, two patrol deputies, a 911 dispatcher, and two animal control officers. Additional cuts will be made from the district attorney's office, juvenile court counselors, and the public health department.

I should note that these types of services are constitutionally required for counties to provide.

Crook County: Home of the Ochoco National Forest, where timber harvest fell 98 percent between 1991 and 2006. If the safety net is not extended, Crook County stands to lose 28 percent of its general discretionary budget. Its roads and its schools are in great jeopardy.

In 2004, the Crook County Road Department received over \$2 million from the Secure Rural Schools and Community Self-Determination Act. If the Crook County Road Department had to rely on actual timber receipt revenue, they would have received \$33,160 from U.S. Forest Service lands—a 99-percent reduction in Federal funds.

In 2004, the Crook County School District received \$746,535 from the safety net.

Curry County lies in the far southwest corner of Oregon.

Cape Blanco in Curry County stretches out in the Pacific Ocean to form the most western point in the lower 48.

You ought to see how beautiful it is there, Mr. President.

It shares with Josephine County the Siskiyou National Forest, the site of the 2002 Biscuit Fire—the largest in Oregon history. Between 1989 and the year of that colossal wildfire, timber harvest on the Siskiyou National Forest dropped 99.5 percent.

As such, Curry County stands to lose 62 percent of its general discretionary fund. This translates into the loss of seven sheriff's deputies, two county assessors, cutbacks in juvenile services, and loss of a deputy district attorney.

The county sheriff's office presently takes about 52 percent of the county's "safety net" dollars, which means that if they had reductions to cover the amount of their percentage, it would lose all of its patrol deputies, two sergeants, its only lieutenant, and two jailors.

The Curry County Road Department will lose 75 percent of its entire budget.

The Brookings-Harbor School District is going to lose \$700,000 from the safety net. Curry County is one of

those places so dominated by Federal land that new tax revenue from property development is simply impossible. Only 3 percent of the land base is developable.

Deschutes County is a high desert paradise with snow-capped mountains, rugged mountain bike trails, swift whitewater, and the Sisters Rodeo, the "Biggest Little Show in the World." Timber harvest in the Deschutes National Forest fell 83 percent between 1985 and 1999. Large forest fires continue to mar the landscape there, causing evacuations of local communities nearly every summer. We don't manage it. We just burn it now. They are going to lose huge amounts of their county budgets: from the road department, a 79-percent reduction; from the Bend/LaPine School District, they will lose \$651,000 from the safety net.

Then Douglas County, timber capital of the world and home to Johnny Cash's "Lumberjack." Given the wood-basket of Douglas Fir, many believe this county was named after the silviculturist David Douglas. But Douglas County was actually named for Stephen Douglas, Abraham Lincoln's opponent in the 1860 Presidential election. Douglas was an ardent congressional supporter for Oregon's entry into the Union. Timber harvest on their forest, the Umpqua National Forest, fell 99 percent between 1984 and 2004. In 2004, Douglas County's discretionary general fund received over \$26 million from the safety net. This represents 78 percent of Douglas County's discretionary general fund. The Douglas County Road Department received over \$13 million from the Secure Rural Schools and Community Self-Determination Act. If the Douglas County Road Department had to rely on actual timber receipts, they would have received \$791,000, a 94 percent loss of Federal revenue.

The Roseburg School District 4 received a \$1.8 million from the safety net in 2004. That goes away.

Grant County, home of the John Day Fossil Beds National Monument and the Malheur National Forest, timber harvest on that dropped 98 percent. More than 60 percent of Grant County is owned by the public, and their discretionary fund is going to drop a whopping amount as well. They will lose millions in road and school funding. Two of its three county patrol officers will be eliminated. Sixty-two percent of the land in John Day School District is federally owned, so the district was heavily dependent on Federal forest fees. As a result, in 1998, the district went to a 4-day school week. We always talk about No Child Left Behind. We are going to leave a lot of Oregon kids behind if we don't keep this bargain.

Harney County, home of Steens Mountain, part of the county's 77 percent public ownership. You ought to see Steens Mountain, be down on the Alvord flat, a salt flat, and see the sun come up in the morning and hit those

mountains and turn them pink. It is astonishingly beautiful. They are going to get hammered. Their road department is going to lose 70 percent of its funding. Their school district will lose nearly \$700,000.

Hood River County, home of pear orchards, wind surfing, and skiing. In fact, JOHN KERRY still goes there a lot to wind surf, wind surfing capital of the world. Hood River County stands to lose 32 percent of its discretionary funds without the safety net. The road department loses over a million, and their school district will lose half a million and more.

Jackson County, home of the Oregon Shakespearean Festival, dominated by the BLM's O&C lands. Jackson County faces a \$20 million shortfall without a county payments extension, 33 percent of its road and general budget. Jackson County is on the verge of closing all 15 of its public libraries, if the safety net is not extended. The county also plans to lay off 30 positions in health and human services and reduce the number of jail beds. In 2004, the Jackson County Road Department received over \$3.8 million from county payments. If they had to rely on actual timber harvests, they would have received a 97-percent reduction in Federal funds.

Jefferson County, home of Mount Jefferson—that is a pretty place—Black Butte, Warm Springs Indian Reservation, 300 days of sunshine a year. In 2004, the Jefferson County Road Department received \$445,000 from the county payments. If the Jefferson County Road Department had to rely on actual timber receipts, they would have received \$89,000 from the U.S. Forest Service.

Josephine County, the home of Oregon Caves National Monument and the Rogue River, 62 percent of Josephine County is publicly owned. They are going to lose 79 percent of their county's general discretionary funds.

Klamath County, home of Crater Lake, the deepest lake in North America and Oregon's first national park. Klamath County is also the home of the devastating shutoff of irrigation water by Federal agencies in 2001. In 2004, Klamath County's discretionary general fund received over \$3 million from the safety net. This represents nearly 30 percent of their general discretionary budget.

Lake County, home of the Hart Mountain National Antelope Refuge—78 percent of that county is owned by the Federal Government. Lake County stands to lose 50 percent of its discretionary general funds—again, roads and schools.

Lane County was named for the great Joseph Lane, first territorial Governor, first U.S. Senator from Oregon. Lane County is one of the largest recipients of safety net dollars, and for good reason. This was the epicenter of the spotted owl controversy, and timber harvest was cut back there more than anywhere else in the Nation.

Mr. President, I don't want to abuse your time. I am trying to make a point

here. You can probably tell that. I speak more out of sorrow than anger, but I am angry, too. It is a tragedy. Both parties are guilty in the mutation from the Federal Government becoming Oregon's protagonist to its antagonist. I was going to tell you more about Lane County and Linn County, named for U.S. Senator James Linn of Missouri—another Missouri Senator has an Oregon County named for him.

I was going to tell you about Lincoln County, home of Depoe Bay, the whale-watching capital of the world. They will get hammered, too.

Marion County, home of the State capitol, the largest producer of agricultural products in Oregon. The Marion berry—you have probably heard of that—is delicious.

Morrow County; Polk County named for James K. Polk, one of our unsung great Presidents.

Tillamook County—you probably heard of Tillamook cheese. It is fabulous. Their county is in real peril because 64 percent of Tillamook County is publicly owned, and nearly 20 percent of its total discretionary budget is at risk.

Union County, land of the Grand Ronde Valley, is near my home. This county is right in the middle of Federal forest lands. They will suffer a 55-percent reduction in Federal funds.

Wallowa County is a little Switzerland. It is one of the loveliest places on Earth. It is where Oregon joins the Rocky Mountains. Their county stands to lose a tremendous percentage of their ability to continue.

Yamhill County. If you like Oregon pinot noirs—I don't drink them, but a lot of people like Oregon pinot noirs—they come from Yamhill County. They are in trouble. And they are in trouble. Wheeler County.

Mr. President, I have talked enough, and you have been indulgent of me. I promised the majority leader I would take only the time he wanted me to speak. But the Federal Government owns my State—more than half of it. It incentivized the development of Oregon's resources. It laid down the terms for the development of timber in Oregon. It built my State. I will bet it even helped build some of the homes in which you live.

But the environmental ethic changed. Whatever side you come down on, in the middle of that contest are people and counties and governmental services that need to be continued until the Federal Government can figure out the right balance in the economic/environmental equation.

I have been down here talking a long time. I have to look for every opportunity to keep talking because I need to awaken my colleagues to the Federal obligation that exists to real people with real concerns and with a real claim on the Federal Government. As we look for offsets, let me simply say that we are out of time.

The real offset ought to be the honor of the Federal Government. It ought to

meet this obligation until it can resolve this dispute. President Clinton tried, President Bush has tried, but the Congress and the courts have been in the way. In the meantime, my colleague and I need the Federal Government to get out of the way and continue to help us, instead of hurting the people whom it grew Oregon to bless.

I yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 7:22 p.m., adjourned until Tuesday, February 13, 2007, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate February 12, 2007:

### NATIONAL CONSUMER COOPERATIVE BANK

JANIS HERSCHKOWITZ, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE RAFAEL CUELLAR, TERM EXPIRED.

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE MICHAEL SCOTT, RESIGNED.

NGUYEN VAN HANH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE ALFRED PLAMANN, TERM EXPIRED.

### DEPARTMENT OF STATE

ZALMAY KHALILZAD, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

ZALMAY KHALILZAD, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

FORD M. FRAKER, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

### NATIONAL COUNCIL ON DISABILITY

MARLYN ANDREA HOWE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008, VICE GLENN BERNARD ANDERSON, TERM EXPIRED.

LONNIE C. MOORE, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008, VICE MARCO A. RODRIGUEZ, TERM EXPIRED.

CYNTHIA ALLEN WAINSCOTT, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008, VICE BARBARA GILLCRIST, TERM EXPIRED.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

W. CRAIG VANDERWAGEN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (NEW POSITION)

### NATIONAL BOARD FOR EDUCATION SCIENCES

DAVID C. GEARY, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010, VICE ROBERTO IBARRA LOPEZ, TERM EXPIRED.

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010. (REAPPOINTMENT)

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010. (REAPPOINTMENT)

### UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2014. (REAPPOINTMENT)

INSTITUTE OF AMERICAN INDIAN AND ALASKA  
NATIVE CULTURE AND ARTS DEVELOPMENT

KRISTINE MARY MILLER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2010, VICE D. BAMBI KRAUS, TERM EXPIRED.

BRENDA L. KINGERY, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012, VICE JOHN RICHARD GRIMES, RESIGNED.

JULIE E. KITKA, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012, VICE KATHERINE L. ARCHULETA, TERM EXPIRED.

SONYA KELLIHER-COMBS, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND

ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2008, VICE MICHAEL A. NARANJO, TERM EXPIRED.

PERRY R. EATON, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012, VICE A. DAVID LESTER, TERM EXPIRED.

QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on February 12, 2007 withdrawing from further Senate consideration the following nomination:

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2016. (Reappointment), which was sent to the Senate on January 9, 2007.

CONFIRMATION

Executive nomination confirmed by the Senate Monday, February 12, 2007:

DEPARTMENT OF STATE

JOHN D. NEGROPONTE, OF NEW YORK, TO BE DEPUTY SECRETARY OF STATE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO RE-

## EXTENSIONS OF REMARKS

### PAYING TRIBUTE TO FRED GUTIERREZ

#### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. PORTER. Madam Speaker, I rise today to honor Fred Gutierrez who has diligently served the Las Vegas community for 36 years as a Metropolitan Police Officer.

Fred Gutierrez was the longest-serving police officer with the Metropolitan Police Department. Fred was one of seven current officers who worked for the Las Vegas Police Department or Clark County Sheriff's Department before they consolidated in 1973. Fred was dedicated to serving the public and found his efforts could best be put to use by moving from the traffic section in 1977 to patrolling the Las Vegas valley's roadways and investigating accidents. It was there that he felt he could accomplish the most and spent the next 24 years in this division. In 2001, he moved to the agency's DUI detail to help research the criminal background of those arrested for driving under the influence.

Madam Speaker, I am proud to honor Fred Gutierrez. His commitment to protecting the Las Vegas Metropolitan community and exemplary record of service is admirable. He serves as an example to all of us and I wish him the best in his retirement.

### ESTABLISHING THE HOUSE DEMOCRACY ASSISTANCE COMMISSION FOR THE ONE HUNDRED TENTH CONGRESS

#### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. REYES. Madam Speaker, I rise in strong support of H. Res. 24, establishing the House Democracy Assistance Commission for the One Hundred Tenth Congress.

The House Democracy Assistance Commission's mission is to strengthen democratic institutions around the world by fostering working relationships with emerging or existing democracies and providing expert insight into the democratic process. Members of Congress, key staff, and Congressional support agencies meet with selected legislative leaders from around the world to offer assistance that will enhance accountability, transparency, legislative independence, and government oversight in foreign parliaments.

We are in unprecedented times, and today the mission of the House Democracy Assistance Commission is especially vital. Promoting democracy throughout the world is essential to our Nation's immediate and long-term security, and to the future of our global community. As a member of the House Democracy Assistance Commission from its in-

ception in 2005 through the conclusion of the 109th Congress, I know the profound effect these interactions have in the precious development of democratic governance in some of the world's fledgling democracies.

Madam Speaker, I have witnessed firsthand the good that can come from the House Democracy Assistance Commission, and I ask that all my colleagues join me in supporting H. Res. 24.

### RECOGNIZING THE WORK AND ACCOMPLISHMENTS OF MR. BRITT "MAX" MAYFIELD, DIRECTOR OF THE NATIONAL HURRICANE CENTER'S TROPICAL PREDICTION CENTER UPON HIS RETIREMENT

SPEECH OF

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 7, 2007*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is my privilege to honor the years and extraordinary work by Britt "Max" Mayfield the Director of the National Hurricane Center's Tropical Prediction Center. His work has been invaluable to the State of Texas and this Nation.

Mr. Mayfield has played a key role in forecast and service improvements for over 33 years.

A Fellow of the American Meteorological Society, he has lectured in the United Nations' World Meteorological Organization sponsored training sessions, and provides numerous works for the worldwide media.

In 1996, Britt "Max" Mayfield was honored by the American Meteorological Society with the Francis W. Reichelderfer Award for an exemplary work as the coordinator of the National Hurricane Center.

His calm voice but unwavering strength has guided Florida and million others through some of the worst hurricane seasons in the history of the United States and has helped saved millions of American lives.

In the wake of Hurricane Katrina, Mayfield was summoned to testify at six congressional hearings.

He and his staff won numerous praises for their efforts to alert the people of Louisiana and Tennessee.

As he leaves the Hurricane Center's Tropical Prediction Center, he continues to serve his nation and the world. Mayfield is the current member chairman of the World Meteorological Organization's Regional Association—IV, which supports 26 members from Atlantic and eastern Pacific countries.

Therefore Mr. Speaker, I rise with great pleasure to honor Britt "Max" Mayfield.

### PAYING TRIBUTE TO LARRY RUVO

#### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. PORTER. Madam Speaker, I rise today to honor Larry Ruvo, founder of the Keep Memory Alive Foundation and the Lou Ruvo Brain Institute.

Larry Ruvo is a pillar in the Las Vegas community. He is a business leader and philanthropist with an extraordinary commitment to improving the world around him. Larry is senior managing partner of Southern Wines and Spirits and has contributed in a number of ways to Southern Nevada. Larry spearheaded the establishment of UNLVino wine tasting, America's largest single-day wine tasting charitable event, raising millions of dollars for the students of the William F. Harrah College of Hotel Administration at UNLV. Larry is also a founding member of the Young Presidents' Organization, Nevada Chapter and a member of the World Presidents' Organization, as well as a board member of the Nevada Ballet Dance Theater and the American Gaming Association. For his efforts, Larry has been recognized as Man of the Year by the Muscular Dystrophy Association and received Man of the Year honors from the University of Nevada Las Vegas and the Food and Beverage Directors Association.

Although all of these accomplishments have contributed immensely to the enrichment of the southern Nevada community, Larry Ruvo's vision and commitment to fighting Alzheimer's disease is perhaps his most important contribution. After experiencing the devastating loss of his father, Lou Ruvo, to Alzheimer's disease, Larry worked with members of our community as well as prominent members of the medical community to found the Keep Memory Alive Foundation to raise funds for the Lou Ruvo Brain Institute. Since its founding, the Keep Memory Alive Foundation has become one of Las Vegas's most important charity initiatives and a key participant in the Nation's fight against Alzheimer's disease. As a result of the foundation's proactive mission to fight neurological diseases, the Keep Memory Alive Foundation has raised more than \$20 million and recruited leading specialists to become a part of this vital project. This month, the foundation will break ground on the Lou Ruvo Brain Institute, which will become an incredible force for researching and developing new treatments for neurological diseases including Alzheimer's, Parkinson's, and Huntington's diseases.

Madam Speaker, I am proud to honor Larry Ruvo. Through a number of endeavors he has greatly enriched the lives of those in the Las Vegas community. I commend his efforts in the fight against Alzheimer's and other neurological diseases. I express my sincerest gratitude for his vision and his commitment to this important cause and I congratulate him on the opening of the Lou Ruvo Brain Institute.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF A BILL TO AMEND PL 10-348 TO EXTEND THE AUTHORIZATION FOR ESTABLISHING A MEMORIAL IN THE DISTRICT OF COLUMBIA OR ITS ENVIRONS TO HONOR VETERANS WHO BECAME DISABLED SERVING IN THE ARMED FORCES OF THE UNITED STATES

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. HARE. Madam Speaker, today I am proud to introduce a bill to ensure the creation of a Disabled Veterans Memorial. This bill would extend the memorial's charter until 2015, allowing the necessary time to raise the private resources and navigate the 10-year approval process required to bring the memorial to life in Washington, DC.

There are more than 3 million disabled veterans living today, and millions of veterans from past and future conflicts who will be honored by this long-overdue memorial. The memorial will be located on an impressive 2-acre site within full view of the U.S. Capitol, adjacent to the National Mall, and across Independence Avenue from the U.S. Botanical Garden, at Washington Avenue—Canal Street—and Second Street, SW.

Adding to the beauty of our Nation's capital, the memorial will soon become one of our country's treasured landmarks. It will bring together visitors of all ages and backgrounds—a fitting tribute to the brave men and women who stand watch over America. No Federal funds have been or may be used for planning and construction of the memorial.

In the 109th Congress this bipartisan bill passed by voice vote, but it was not taken up by the Senate. Therefore it is critical that this legislation be considered this Congress, since the authorization for the memorial expires in October 2007.

I look forward to working with my colleagues to ensure the creation of this memorial to honor those who have sacrificed so much for our Nation.

PAYING TRIBUTE TO  
JIMMIE JACK KNOX, SR.

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. PORTER. Madam Speaker, I rise today to honor the life of my friend, Jimmie Jack Knox Sr., who died December 5th, 2006.

Jimmie was the former owner of Boulder City Marine, but his biggest accomplishments were serving and playing an active part in the community. He was always eager to get involved in community activities and philanthropic efforts. He was a member of the Rotary International, Boulder City Elks Lodge, Veterans of Foreign Wars, a lifetime member of the National Rifle Association, and a co-founder of Operation Godspeed. Jimmie served as the president of the National Midget Racing Association. In addition he was Vice President of Public Relations for St. Jude's Ranch for Children in which he assisted St.

Jude's with grants that have provided new playgrounds and educational classroom facilities to expand the outreach program.

Madam Speaker, I am proud to honor the life and legacy of my friend Jimmie Jack Knox Sr. for his work on behalf of Boulder City community. His was dedicated to the community and enriched countless lives in southern Nevada. He was truly a distinguished humanitarian and will be profoundly missed.

RECOGNIZING DEBORAH MOSS AS  
WASHINGTON COUNTY, FLORIDA'S  
TEACHER OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Deborah Moss as Washington County's Teacher of the Year.

Deborah Moss joined the Washington County School District Administration in 1996, with an education background in speech pathology and 17 years of teaching experience in Escambia and Santa Rosa Counties of northwest Florida. Mrs. Moss has proudly served the Washington County School District for over 10 years, where she currently serves as a speech pathologist at Kate M. Smith Elementary School in Chipley, Florida.

As a speech pathologist, Deborah Moss enjoys working with students from kindergarten to fourth grade who experience difficulty in the classroom due to articulation, language, voice, and stuttering disorders. She has been defined as an educator with enthusiasm, dedication, and integrity. Her passion for teaching and her love for children have positively shaped her students in a way that they are able to overcome their challenges and are given the hope and strength that is needed to succeed.

The Teacher of the Year recognition highlights one year of teaching, but the proof of greatness lies well beyond the title—it lies in the hearts and minds of the students who have been deeply affected. Deborah Moss has left her fingerprints over much of northwest Florida and has touched a number of lives. Through her hard work and dedication, the impact she has had on her students has proven her to be among the great teachers in northwest Florida, and Washington County is honored to have her as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Deborah Moss on this outstanding achievement and her exemplary service in the Washington County School District.

TRIBUTE TO SGT. CARLOS  
MADDEN

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to Sgt. Carlos Madden, a heroic citizen-soldier. On Saturday, February 10,

2007, Sgt. Madden was awarded the Soldier's Medal, the highest decoration given by the United States for "heroism not involving actual conflict with an enemy."

On December 22, 2005, a neighbor of Sgt. Madden, Mary Elizabeth Hooker, a professor at UMass Lowell, was attacked by a knife-wielding assailant. Sgt. Madden's 13-year-old sister, Mary, heard her screams and called her brother who rushed, unarmed, to Ms. Hooker's aid. He confronted her attacker and, directing another neighbor to call 911, pursued the man, caught him, and held him until the police arrived. His swift action very likely saved Ms. Hooker's life: his presence brought an end to the stabbing and secured prompt medical attention.

Sgt. Madden is a graduate of Cambridge Rindge and Latin High School and a junior majoring in American history at Framingham State College. He joined the Army Reserve in February 2002, and serves with the 401st Chemical Company, commanded by Capt. Jeffrey A. Fidler. Seventy members of his unit, his family, and Ms. Hooker were present to see Col. Stephen Falcone present the award.

We all hope that we would act in a crisis as Sgt. Madden did. Most of us are never tested and we do not know if we would put ourselves in harm's way, without hesitation, to save the life of another person. Carlos Madden inspires us with his bravery and with his reflections on the event. "I know I would do it again, for any of you," he said, "and I know all of you would do the same for me." Madam Speaker, I want to thank Sgt. Madden for his courage and for his faith in his fellow citizens.

PAYING TRIBUTE TO  
EUGENE EISENMAN

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. PORTER. Madam Speaker, I rise today to honor the life of Dr. Eugene Eisenman, who passed away on January 29, 2007.

Eugene Eisenman was born on August 15, 1945 in St. Augustine, FL, and studied medicine at the Universidad Autonoma in Guadalajara, Mexico. Eugene completed his medical residency at Tulane University in New Orleans where he specialized in obstetrics. In 1981, Dr. Eisenman moved to Nevada to practice medicine. Throughout his 25-year medical career in Nevada, he served as chairman of Sunrise Hospital's Obstetrics Department and was president of the Clark County OB-GYN Society. During his many years of devoted service to the community, Dr. Eisenman delivered thousands of babies and cared for his patients with enduring compassion.

In addition to Eugene's many years of service to the medical community, he also served his country as an airman in the United States Air Force during the Vietnam war, was a member of the Chabad Synagogue in Las Vegas, and dedicated himself to his family and community.

Madam Speaker, I am proud to honor the life and the legacy of Eugene Eisenman. His lasting dedication to the community should serve as an example to us all. I applaud his efforts and his life's work.



## TRIBUTE TO KOON-JA KIM

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. HONDA. Madam Speaker, I rise today in tribute to 81-year-old Koon-Ja Kim, a survivor of the Japanese Imperial Army's "comfort women" system of the World War II era.

Koon-Ja Kim was born in Pyung-Chang, in Korea's Kangwon Province. She was orphaned at the age of 14 and, to support herself and her siblings, she worked as a maid. At the age of 17, she was forcibly drafted by the Japanese Government to serve as a sex slave, or what is now euphemistically termed a "comfort woman," in China. After 3 years of being physically abused and raped on a daily basis, the war ended. With no money and physically defeated bodies, she and a small group of other women summoned their strength of spirit to walk hundreds of miles over several weeks back into Korea.

Since 1998 she has been living with nine former comfort women at the House of Sharing. All she wants in her remaining life is to receive an official apology and fair compensation from the Japanese Government. She plans to donate the money to the public if she receives the compensation. Until now, Kim had collected compensation she had received from the Korean Government—\$43,000—and her life savings, and donated \$100,000 to the Beautiful Foundation, which provides financial aid for orphans to continue their studies, \$10,000 to the House of Sharing, and \$5,000 to a Catholic organization.

At the Beautiful Foundation, the "Kim Koon-Ja Fund" was established in 2000, where the proceeds go to college students who grew up at orphanages so that they can continue with their education. Kim dedicates her life to helping disadvantaged children to attain education because she herself grew up as an orphan, and the only education she had received was 8 months at a night school.

The House of Sharing Establishment Committee was founded in June 1992 and is supported by Buddhist organizations and other donors. Koon-Ja Kim, along with other women at the House of Sharing and around the world, has engaged in a daily battle since 1992 to educate the public about the Japanese military's brutal abuse of women, and to put pressure on the Japanese Government to apologize for their past atrocities. Koon-Ja Kim meets with community organizations, students, and activists from South Korea, the United States, and other countries around the world to inspire others to know and advocate for the comfort women's cause.

Madam Speaker, on February 15, the Subcommittee on Asia, the Pacific, and the Global Environment of the Committee on Foreign Affairs will convene a hearing entitled "Protecting the Human Rights of Comfort Women." Koon-Ja Kim has been invited to share her story with members of the subcommittee along with other surviving comfort women who want to see justice prevail.

On January 31, I introduced H. Res. 121, which expresses "the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed

Force's coercion of young women into sexual slavery, known to the world as 'comfort women,' during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II."

Madam Speaker, I ask my colleagues to join me in tribute to Koon-Ja Kim and the thousands of surviving comfort women.

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STATEMENT IN SUPPORT OF H.R.  
808 "DEPARTMENT OF PEACE  
AND NONVIOLENCE ACT"

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**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Ms. JACKSON-LEE of Texas. Madam Speaker, it is with great pleasure that I rise in strong support of H.R. 808, the "Department of Peace and Nonviolence Act." This bill places efforts toward peace and nonviolence high on this Nation's list of priorities, efforts which deserve the same attention and organizational structure that this government gives war through its Department of Defense.

I thank the gentleman from Ohio, Mr. KUCINICH, for introducing this legislation, to reduce violence both within our borders and across the globe.

Here at home, the Department of Peace would seek to reduce domestic violence, gang violence, child abuse, violence in schools, hate crimes, racial violence, and mistreatment of the elderly. It would also seek to develop peace education programs, instructing students in peaceful conflict resolution skills both at home and abroad.

The Department of Peace would also strive to make a difference in the current United States foreign policy. This administration's attitude toward the international community has been far too aggressive, while critical human rights issues have been ignored. The Department of Peace would analyze these aspects of foreign policy and make recommendations to the President to ensure that human rights are protected and to lessen armed international conflict as a whole. Specifically, the Department of Peace and Nonviolence would seek to strengthen nonmilitary means of peacemaking and to promote the development of human potential. It is high time for the United States to change its approach to diplomatic efforts.

We have seen in Iraq how an aggressive foreign policy can destroy so many lives, throw a country into chaos and civil war, and drain the resources and social services of the American people. We are tired of this war, yet the President announced yesterday that he wants another \$235 billion for military operations in the Middle East, while cutting away funds for the American people, such as healthcare and transportation.

Let us get our priorities straight. Let us put the American people's tax dollars in programs that benefit them, not in this meaningless war. Let us promote policies of peace and make this world a better place.

HONORING GEORGE B. GOULD  
IN RETIREMENT**HON. TOM DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. George B. Gould for over 27 years of dedicated service to the National Association of Letter Carriers, NALC.

Since joining NALC in 1979, George has been a legislative consultant involved in numerous issues, such as budget, appropriations, health care, retirement, and education. Through his advocacy, on behalf of the 300,000 members of NALC, George has made great progress on issues affecting postal operations. This progress includes his instrumental work in the creation of NALC's political action fund as well as his work in advancing political freedoms for federal workers through his efforts in reforming the Hatch Act in 1993.

During his career, Mr. Gould co-chaired the Coalition to Preserve the Postal Service, a group consisting of representatives from the mailers community, the U.S. Postal Service, the postal supervisors and managers, and postal unions. The coalition worked to secure funds for the anthrax cleanup, to bring Civil Service Retirement System funding to the Postal Service, and to make general postal reforms.

Mr. Gould also chaired the Fund for Assuring an Independent Retirement, FAIR, Committee on Legislative and Political Affairs. Representing over 8 million active and retired employees, FAIR fights to protect and enhance Federal employee pensions and other benefits.

Mr. Gould has been recognized by *Regardie's Magazine* on their Power 100 List of the most influential people in Washington. Additionally, he has been featured in *Roll Call*, *The Washington Post*, *The Washington Times*, *Legal Times*, *The Federal Times*, and *The Boston Globe* for his effective and tireless lobbying efforts. Mr. Gould has also received acknowledgement from Project Vote and in 1990 he received the "Good Guy" award from the National Women's Political Caucus.

It was apparent to all those who worked with George that he had a knack for the policy process and a desire to improve public policy for the Federal employee. Drawing on his years of experience, Mr. Gould went out of his way to be a teacher and mentor to the staff of NALC. As his last act of service, he trained an able replacement to ensure that the ideals and issues important to NALC do not suffer in his absence.

Madam Speaker, in closing I would like to commend and congratulate Mr. George B. Gould on all of his accomplishments. His efforts have deeply impacted the public discussion, but more importantly the policy that affects the postal service, truly meriting recognition. I call upon my colleagues to join me in applauding George for his past accomplishments and in wishing him a happy and healthy retirement.

## TRIBUTE TO YONG-SOO LEE

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. HONDA. Madam Speaker, I rise today in tribute to Yong-Soo Lee, a South Korean woman who, decades after enduring torture and abuse by the Japanese Imperial Army, has taken it upon herself to stand up for human rights and the dignity of all by telling her personal story and demanding that the Government of Japan acknowledge and apologize for its role in the "comfort women" system of World War II.

Yong-Soo Lee is one of over 200,000 "comfort women" in Asia who suffered unimaginable dehumanization by the Japanese Imperial Army during Japan's colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

These women—who came from China, Indonesia, Korea, the Philippines, and elsewhere—suffered experiences which were unprecedented in cruelty and were officially commissioned by the Government of Japan. They endured gang rape, forced abortions, humiliation, and sexual violence resulting in mutilation, death, or eventual suicide—and to this date, they have still not received justice from this tragedy.

The hope of Yong-Soo Lee and her sisters is a modest one: Simply stated, that the government of Japan acknowledges, apologizes for, and accepts full historical responsibility for these atrocities.

Yong-Soo Lee has a poignant story to tell. At 16, she was taken far from her home in Korea to an outpost on Taiwan, where she and her schoolmates, among others, were forced to provide sexual services to Japanese soldiers and airmen in the waning days of World War II. She suffered seasickness, sleeplessness, hunger, venereal disease, and bodily harm.

When she was able to return home after the war, the pain and shame were so much that she was never able to marry, which caused conflict and ostracization within her family.

Still, she went on with her life, and in 1992 began to unburden herself of her memories. Working with the Korean Council for the Women Drafted for Military Sexual Slavery by Japan, she came forward with her story—which she had kept secret from her family for almost five decades—in order that other women will not have to endure the same sort of suffering.

Madam Speaker, on February 15, the Subcommittee on Asia, the Pacific, and the Global Environment of the Committee on Foreign Affairs will convene a hearing entitled "Protecting the Human Rights of Comfort Women." Yong-Soo Lee has been invited to share her story with members of the subcommittee along with other surviving comfort women who want to see justice prevail.

On January 31, I, along with several of my colleagues, introduced H. Res. 121, which expresses "the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual

slavery, known to the world as "comfort women" during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II."

We appreciate the dedication of women like Yong-Soo Lee, who are traveling thousands of miles to be with us in Washington, to help us better understand their personal experiences and to help us formulate appropriate policy responses to both historical events and their modern equivalents. They stand as beacons of inspiration to us as we combat human rights violations and seek to extirpate war crimes wherever they might occur. By telling their stories, Yong-Soo Lee and her fellow comfort women provide the foundation for the protection of the rights of women throughout the world.

Madam Speaker, I ask my colleagues to join me in tribute to Yong-Soo Lee and the thousands of surviving comfort women.

COMMISSION TO STUDY THE POTENTIAL CREATION OF THE NATIONAL MUSEUM OF THE AMERICAN LATINO ACT OF 2007

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 6, 2007*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 512, to establish the commission to study the potential creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes.

Here in our Nation's Capitol we are proud of the history from the past that surrounds us and embrace the history that is made each and every day. Amongst the many museums that pay tribute to our rich history as a nation, there still remains a sense of incompleteness in our lessons of our history, art and culture. Even though 40 million United States residents share the Latino heritage and culture, hardly any permanent exhibits in Washington's museums commemorate their cultural contributions. I commend Representative BECERRA for recognizing the need to share the collective history of Latino-Americans and to ensure that their stories, cultural contributions and heritage are not forgotten for generations to come.

This bipartisan bill was first introduced as H.R. 2134 during the 109th Congress and passed by a unanimous vote but time ran out before the Senate could act on the bill. I was a co-sponsor of H.R. 2134 and it is my sincere hope that my colleagues in the Senate will take quick action and speedily move this important legislation forward upon its passage in the House. This legislation recognizes the need for detailed and careful planning and proposes a 23 member commission to discuss the museum's vitality and is charged with producing a national conference to bring stakeholders, experts, policy makers and other interested parties together. It is important to take the chief ideas discussed and move them from concept to reality; the commission would be tasked with designing a fundraising plan to create an extensive public-private partnership

as well as reporting to Congress a detailed recommended plan of action on how to do so.

Again, I thank my colleague, Mr. BECERRA, for introducing this important legislation, to ensure that we celebrate, commemorate and remember the contribution of Latino Americans by moving to establish a National museum and I urge my colleagues to join me in supporting this resolution.

HONORING MRS. EDITH EDNA  
"BETTY" VAUGHN

**HON. TOM DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Ms. Edith Edna "Betty" Vaughn for a lifetime of service as a health care professional.

Born Edith Edna Lunn on November 3, 1945, Betty, as she later preferred to be called, was the only girl of her parents' four children. She became interested in nursing and health care at an early age, often having to look after her brothers. Betty decided to turn this interest into a career when she attended nursing school in 1963. She graduated in 1967 with a diploma of nursing from the University of Essex in England.

Betty met her husband, Victor Vaughn, at a hospital dance and married him 1 year later. The Vaughns moved to Richmond, VA, where Betty began her career at the Johnston-Willis Hospital.

In 1974 the Vaughns moved to Blacksburg, VA, where Victor attended Virginia Polytechnic Institute and State University. Betty continued her career of service working at the local community hospital. Mrs. Vaughn was a dedicated professional during the days and a loving, supportive wife to her husband at night.

Upon completion of Mr. Vaughn's education, the family moved to northern Virginia where Betty joined the staff at Fairfax Hospital, today known as INOVA Fairfax Hospital. Betty has been a cheerful, positive employee to the hospital, spreading joy to all patients she encounters. While her retirement is well deserved, she will be greatly missed.

Madam Speaker, in closing I would like to commend Mrs. Edith Edna "Betty" Vaughn for her lifetime of service. I call upon my colleagues to join me in applauding Betty for her past accomplishments and in wishing her a happy and healthy retirement.

## TRIBUTE TO JAN RUFF-O'HERNE

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. HONDA. Madam Speaker, I rise to recognize and honor an extraordinary woman of courage and integrity who is visiting Washington this week.

During World War II, Jan Ruff-O'Herne was a young Dutch national, born and raised in what is now Indonesia. She was kidnapped by Japanese Imperial forces and forced to serve as what is euphemistically known as a "comfort woman" in a brothel for the entertainment of Japanese soldiers.

For nearly 50 years, Mrs. Ruff-O'Herne kept her tortures to herself, too ashamed to admit her horrid experiences even to the people closest to her. In 1992, however, after seeing reports of other comfort women who were speaking out about the atrocities they endured, she decided to make her memories public.

Her 1994 autobiography, *50 Years of Silence*, which was later adapted into a widely-praised and award-winning documentary film, explains in excruciating detail her life in the so-called "comfort station." That she survived this ordeal speaks volumes about her strength, courage, and spiritual convictions.

In the years since she brought her story to public attention, Jan Ruff-O'Herne has been granted honors by Queen Beatrix of the Netherlands, Queen Elizabeth, and Pope John Paul II, in recognition of her efforts to support the human rights of women around the globe.

On February 15, the Subcommittee on Asia, the Pacific, and the Global Environment of the Committee on Foreign Affairs will convene a hearing entitled "Protecting the Human Rights of Comfort Women." Jan Ruff-O'Herne has been invited to share her story with members of the subcommittee.

Thousands of the comfort women of World War II survive today. They are seeking a formal apology from the government of Japan, which has been unwilling to accept responsibility for violating the human rights of these women.

Madam Speaker, last month I introduced a resolution, H. Res. 121, which calls on Japan to formally and unambiguously apologize and acknowledge the tragedy that the comfort women endured under its Imperial Army during World War II. Not only should Japan's Prime Minister issue a public apology, Japan must take responsibility unequivocally.

The Japanese government owes such an apology to brave women like Jan Ruff-O'Herne.

Madam Speaker, I ask my colleagues to join me in tribute to Jan Ruff-O'Herne and the hundreds of thousands of comfort women who endured unspeakable tortures during World War II and who continue to fight for the human rights of all people more than 60 years later.

#### TRIBUTE TO CAROLYN CLOSS WALFORD

#### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. MEEK of Florida. Madam Speaker, I rise today to honor Carolyn Closs Walford on the occasion of her promotion to the rank of Lieutenant Colonel after 20 years of service in the U.S. Army.

LTC Walford is known to many of my colleagues, because she has served in the Army's House Liaison Division for more than 3 years. Many of us have had the good fortune of working with her on a wide variety of legislative initiatives and programs. She has also coordinated 14 Congressional Delegations to Iraq, more than any other Legislative Liaison currently assigned to the Chief of the Legislative Liaison Office. LTC Walford coordinated official visits I made to Morocco, Israel, and Egypt, and I can therefore attest from first-

hand experience to her professionalism and commitment to duty.

LTC Walford was born and reared in Louisburg, NC. She is the daughter of the late William L. Closs and Fannie S. Closs, the youngest in a large and loving family of ten. Her oldest brother is 30 years her senior and her oldest sister is 18 years older.

LTC Walford is not the first in her family to honorably serve in this Nation's armed forces, although she is the first generation of her family to serve in an integrated military. Her father, SSG William L. Closs, served in WWII during the Normandy Campaign with the 443rd QM Trucking Company. He was awarded the Purple Heart for his bravery and commitment to duty.

LTC Walford was a daddy's girl who joined the Reserve Officer Training Corps, ROTC, while attending Winston-Salem State University. She was commissioned as a second lieutenant in the Signal Corps upon graduation and accepted a reserve commission in the Army Reserve. She completed the Signal Officers Basic Course at Ft. Gordon, GA, relocated to Washington, DC, to pursue a fulltime career in the private sector while fulfilling her military commitment in the Army Reserve and completing her graduate studies. LTC Walford later made the decision to branch transfer to the Quartermaster Corps, a branch more fitting to support the Army Reserve mission of combat service support. LTC Walford held various positions while serving as the "Citizen Soldiers," to include Company Command, Aide-de-Camp to the Commanding General of the 352d Civil Affairs Command, Host Nations Support and a variety of logistics assignments. LTC Walford deployed and served seven months in Southwest Asia during Operation Desert Storm.

The Chief, Army Reserve requested her assistance in the start up of a new unit in 1999, the Logistics Civil Augmentation Program, LOGCAP. LTC Walford's civilian expertise in contracting and her logistical background made her a prime candidate to help facilitate this new unit. Once again, she answered the call to serve and became a fulltime active soldier. She has served in the Army's Guard/Reserve, AGR, Program since 1999.

LTC Walford has received numerous awards throughout her career, including the Meritorious Service Medal, the Joint Accommodation Medal, the Office of the Secretary of Defense Badge, and the Army Staff Badge. She is a graduate of the Army's Command and General Staff Officers Course, The Quartermaster and Civil Affairs Advanced course, and the U.S. Army Paratrooper School.

This soldier's unique skill set and extraordinarily diverse level of experience both in the public and private sector has been a tremendous asset to our great country. She is a pillar of strength for our Army, her fellow comrades-in-arms, and for her family and friends. My best wishes go out to LTC Walford on her well-deserved promotion, and to her husband, Raymond L. Walford, and her entire extended family on this important occasion.

#### PERSONAL EXPLANATION

#### HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. NORWOOD. Madam Speaker, had I been present on rollcall vote No. 74, I would have voted "yea"; had I been present on rollcall vote No. 75, I would have voted "yea"; had I been present on rollcall vote No. 76, I would have voted "yea"; had I been present on rollcall vote No. 77, I would have voted "yea"; had I been present on rollcall vote No. 78, I would have voted "yea"; had I been present on rollcall vote No. 79, I would have voted "yea"; had I been present on rollcall vote No. 80, I would have voted "yea"; had I been present on rollcall vote No. 81, I would have voted "no"; had I been present on rollcall vote No. 82, I would have voted "aye"; had I been present on rollcall vote No. 83, I would have voted "aye"; had I been present on rollcall vote No. 84, I would have voted "aye"; had I been present on rollcall vote No. 85, I would have voted "aye"; had I been present on rollcall vote No. 86, I would have voted "aye"; had I been present on rollcall vote No. 87, I would have voted "yea"; had I been present on rollcall vote No. 88, I would have voted "yea"; had I been present on rollcall vote No. 89, I would have voted "yea"; had I been present on rollcall vote No. 90, I would have voted "yea"; had I been present on rollcall vote No. 91, I would have voted "aye"; had I been present on rollcall vote No. 92, I would have voted "aye."

#### TRIBUTE TO THE WYOMING BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

#### HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mrs. CUBIN. Madam Speaker, I rise today in recognition of the Wyoming Board of Registration for Professional Engineers and Professional Land Surveyors. This board has been serving Wyoming for 100 years by certifying engineers in order to ensure their competence and the highest level of training.

In 1907, when Clarence T. Johnston became the Wyoming State Engineer, there was no national or State certification process for workers. Realizing that many engineers were not trained for their positions, and thus were providing sub-par workmanship, he proposed to the Wyoming State legislature a bill to mandate registration of engineers and to create a board of examiners.

Wyoming became the first State with an engineer licensure law in 1907. Soon after, the Nation followed step; and in 1920, the organization now known as the National Council of Examiners for Engineering and Surveying was born. This organization has created licensure standards and professional ethics for engineers countrywide.

Through its licensure regulations and training, the National Council ensures the safety of our Nation's infrastructure. Engineers design our buildings and bridges, they develop our

technology, and they manufacture our machines. All U.S. citizens are affected by their work, and ensuring public safety through the guarantee of quality products is a noble cause.

I am proud to represent the first State to create accountability for engineer workmanship. I commend the Wyoming Board of Registration for their continued service, and congratulate them once again on their 100-year anniversary.

#### TRIBUTE TO JIM MACK

#### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. ENGLISH of Pennsylvania. Madam Speaker, the manufacturing sector plays a pivotal role in the economic success of the Commonwealth of Pennsylvania as well as that of the Nation. The pre-eminent association that represents the producers of U.S. advanced manufacturing technology equipment, promotes manufacturing equipment sales both at home and abroad, and tries to shape legislation important to the manufacturing community is AMT—the Association for Manufacturing Technology, led by its President, John B. Byrd III.

For the past 32 years, the voice for AMT on Capitol Hill has been the tireless, knowledgeable, and ardent advocate for the association's legislative and regulatory goals, James H. Mack. Jim served AMT as the vice president for Government Relations for 27 years and most recently as vice president—Tax and Economic Policy. He has also been an important aide to former Illinois Governor Richard B. Ogilvie and public affairs manager for Illinois Tool Works in Chicago.

After earning his undergraduate and law degrees from the University of Wisconsin, Jim demonstrated a life-long commitment to the manufacturing technology industry and its employees—providers of the vital equipment that has made our Nation the manufacturing leader in the world.

As Jim retires from this phase of his career, I wish to acknowledge the achievements of a man so many of us know and admire. Lest he be considered merely a master of the Tax Code wearing a smile that always includes a pipe, let me add that I know him to be trustworthy, an honest broker, and all around decent and caring individual.

Hats off and continued success to a great American, Jim Mack.

#### TRIBUTE TO THE FIRST UNITED METHODIST CHURCH IN CHAMPAIGN, ILLINOIS

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. JOHNSON of Illinois. Madam Speaker, I rise today in honor of the 150th Birthday of the First United Methodist Church in Champaign, Illinois. This sesquicentennial celebration marks not only a significant moment for the church, but also a significant moment in

the community, culture and history of Champaign.

The First United Methodist Church was first recognized as a Methodist Episcopal church on December 7, 1856 by the Illinois Annual Conference; however, the contributions of the Church go further back to 1793. With its rich history and loyal dedication to serving the community, the Church has been a vital influence in the shaping of the fine citizens of Champaign.

Officially recognized in 1856, the First United Methodist Church began with holding Sunday services in a brick schoolhouse nearby. Started with a small loyal following, the Church grew to record highs of 4,163 members. As its size and congregation grew, so did their devotion to the community.

The First United Methodist Church has been steadfast in providing a positive influence to the entire community of Champaign. Members of the Church have active roles in mission programs both local and international, volunteered in local service projects, and helped run local food banks.

Madam Speaker, I ask my colleagues to join me today in recognizing the 150th Birthday of the First United Methodist church as well as their 150 years of accomplishments and noble servitude for the city of Champaign.

#### THE INTRODUCTION OF THE EDWARD WILLIAM BROOKE III CONGRESSIONAL GOLD MEDAL ACT

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Ms. NORTON. Madam Speaker, Senator EDWARD KENNEDY, the Massachusetts delegation, Congressional Black Caucus Chair CAROLYN C. KILPATRICK, and I are proud to introduce the Edward William Brooke III Congressional Gold Medal Act. Senator Edward Brooke has been much honored as an outstanding two-term Senator (1967–1979) who is still remembered for his courage and independence on the difficult issues of his time—from the Vietnam War to his leading work in the passage of the Fair Housing Act of 1968. President Bush awarded Senator Brooke the Presidential Medal of Freedom in 2004. At 87, his autobiography, *Bridging the Divide: My Life* tells the Senator's remarkable story. That story began here in the District of Columbia, where Senator Brooke was born and raised, and graduated from Dunbar High School and Howard University. Senator Brooke rose to the rank of captain in the segregated 366th Infantry Regiment in the U.S. Army, and won a Bronze Star Medal and the Distinguished Service Award. His autobiography reads like a personal and political adventure of a man born in the segregated capital, a city with no local elected officials or Members of Congress, who went on to become the first African American official elected statewide, when he won election as Attorney General, the second highest office in the state, and the only Republican to win statewide election that year. In 1966, Senator Brooke became the first African American elected by popular vote to the Senate of the United States. "Trailblazer" does not aptly describe the courage it took for an African American to run, much less win state-wide office as

a Republican in a predominately Democratic state, where 2 percent of the population was African American.

I take special pride and pleasure in introducing this bill in the House, along with the Massachusetts delegation and the chair of the Congressional Black Caucus. My Massachusetts colleagues justifiably claim Senator Brooke as a son of Massachusetts. We in the District concede that Massachusetts voters also deserve credit in refusing to allow racial barriers, that still remain formidable in most states, overwhelm Senator Brooke's qualifications for high office. However, I hope that Massachusetts citizens will forgive the residents of the Senator's hometown if we insist that Edward William Brooke III be counted the adopted son of Massachusetts. Senator Brooke's family, the District of Columbia Public Schools, Howard University, and the proud African American community both sheltered and prepared him for his remarkable life and service to the people of Massachusetts and the Nation.

We are especially grateful for the Senator's devotion to H.R. 328, the District of Columbia Fair and Equal House Voting Rights Act of 2007. Senator Brooke has worked devotedly for passage of the pending legislation. While in the Senate, he never forgot that his hometown had no Senator and needed him, too. Speaking on the Senate floor for passage of the Voting Rights Amendment in 1978, Senator Brooke made it clear, as he does today, that this matter also was personal for him. He said, in part, "My enthusiastic endorsement of House Joint Resolution 554 is based primarily on fundamental concepts of liberty and justice, but my support and interest are also intensely personal, for my roots are in Washington, D.C. I was born and raised here. I attended and graduated from Shaw Junior High School, Dunbar High School, and Howard University. For as long as I can remember, I have fought, along with family and friends and colleagues, to attain the goal of providing for the citizens of the District of Columbia the same rights and privileges that other citizens throughout the Nation have enjoyed." Because the Congressional Gold Medal is the highest honor that Congress can bestow, it is necessary that at least 290 Representatives and 67 Senators sign on as cosponsors. I urge every Member of the House and Senate to become cosponsors before the end of Black History Month on February 28th.

#### RAISING THE BAR: PIONEERS IN THE LEGAL PROFESSION

Born October 26, 1919, Edward Brooke was the first African American elected to major statewide office in Massachusetts (Attorney General, 1962) and the first African American elected and re-elected to the U.S. Senate (1967–79) by popular vote. His father, Edward Brooke, Jr. was a graduate of Howard University School of Law (1918) and served as an attorney for the Veterans Administration for 50 years—an exceptional achievement for an African-American person at that time.

Brooke attended public schools in Washington, DC, and graduated from Paul Laurence Dunbar High School in 1936. When he entered Howard University he originally planned to be a pre-med. major, but he changed to Sociology because he found the coursework more interesting. His professor of Political Science at Howard was diplomat, statesman and Nobel Prize winner, Ralph Bunche.

After graduating from Howard and the Reserve Officers Training Corps in 1941, he was

drafted into the U.S. Army. He served with the all-Black 366th Combat Infantry Regiment. In charge of discipline and recreation at Fort Devens, in Massachusetts, Brooke defended enlisted men in military court cases.

For his leadership during 195 days in combat in Italy, he was awarded the Bronze Star and promoted to captain. He also received the Distinguished Service Award.

Motivated by his experience in the army, Brooke enrolled in Boston University Law School in 1946, and became editor of the Boston University Law Review. He earned an LLB in 1948 and an LLM in 1949 and began his private law practice in Roxbury, after declining offers to join other firms, including an offer from his father to begin a father and son practice in Washington, DC. Friends encouraged Brooke to run for political office. His first efforts to enter politics on the Republican slate in 1950 and 1952 were promising, but unsuccessful.

After those bids for office, he increased his involvement with community affairs, and became active with various groups, including the Boston branch of the NAACP and the Greater Boston Urban League, the Boy Scouts of America and the American Veterans of WW II. He also focused on his law practice during that time. In 1960 he ran for Massachusetts' Secretary of State and became the first African American to be nominated by a major party for a statewide office in Massachusetts—considered quite an accomplishment since there were only 93,000 black residents in the state. He received over one million votes, but did not win that election. In 1962, without the support of Republican party leaders who had endorsed his candidacy for lower offices earlier, he won the election to the office of Attorney General and became the first African American to be elected as a state's attorney general.

As Massachusetts' Attorney General, he battled corruption in government and targeted organized crime. He proposed laws that protected consumers, struck at housing discrimination and reduced air pollution. Brooke worked closely with the Massachusetts Crime Commission and successfully conducted the massive investigation in the "Boston Strangler Case." Due to some of his seemingly conservative and unpopular stances on issues such as a black student boycott of Boston's public schools, he endured the wrath of civil rights leaders.

In 1965 he decided to seek election to the U.S. Senate. In his book, *The Challenge of Change: Crisis in Our Two-Party System*, published in 1966, he attempted to encourage his Republican Party to become more responsive to social change, and he identified discrimination against 10 percent of the country's population, due to the color of their skin, as an important issue. Edward Brooke won the election, with a margin of almost a half million votes, and became the first African American to serve since Reconstruction. (He was the third black American in the U.S. Senate and the first to win a seat in a popular election.) He served two terms—enjoying an overwhelming re-election in 1972.

Appointed by President Lyndon Johnson to the Commission on Civil Disorders, Senator Brooke's work included making recommendations for the protection of black people and civil rights workers from harassment. Later, that work was expanded to include protection against housing discrimination, which led to the 1968 Civil Rights Act. He was a strong opponent of the escalation of the Vietnam War and fought proposals that would have expanded Cold War nuclear arsenals. He also worked to improve relations with the People's Republic of China, which led to the recognition of that country.

Although he had supported Richard Nixon's campaigns in 1968 and 1972, he clashed with Nixon on several issues, including the nomination of two anti-civil rights judges to the Supreme Court. He was the first senator to call for the President's resignation during the Watergate scandal.

After Senator Brooke was defeated in the 1978 election, he resumed his law practice and headed the National Low Income Housing Coalition. Senator Brooke is the father of three and currently lives with his wife in Warrenton, Virginia. He has received over 30 honorary degrees and awards, including the NAACP Springarn Medal and the National Conference of Christians & Jews' Charles Evans Hughes Award.

Throughout his career, Senator Brooke has endeavored to make America a better place for all Americans. His efforts and service to the commonwealth of Massachusetts and the United States were recognized recently, when a state courthouse in Massachusetts was named the Edward W. Brooke courthouse. He thus became the first black American to have a state courthouse named in his honor.

#### LAMAR UNIVERSITY

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. POE. Madam Speaker, today I take pride in sharing with you a grand and historic milestone for the State of Texas, specifically the Second Congressional District. Today, Madam Speaker, Lamar University's Mary and John Gray Library commemorates its fiftieth year as a federal depository. Lamar University, as well as I take great pleasure in celebrating and honoring the Mary and John Gray Library's steadfast dedication to providing and safeguarding the citizens' of Texas right to know.

The Federal Library Depository Program was created over one hundred and forty years ago with the sole purpose of keeping America informed by treasuring, producing, and distributing the Federal government information. The Mary and John Gray Library carries on this very valid and noble duty by being the only Federal depository within the region. The library plays a vital link between the government and Texas citizens. With its dedicated staff readily available to help students and Southeast Texans obtain governmental information, the Mary and John Gray Library collects, maintains, and preserves over sixty-four percent of the documents made available by the Federal government.

Ground was broken for the library in 1973. The eight story structure was constructed to be a visible monument for Lamar University. With the two main goals of expressing deserved appreciation for past services and that the name be inspirational for the future greatness of Lamar University, the library was officially dedicated in honor of Mary and John Gray on April 26, 1976. To this day it continues to be a fount of scholarly information.

The library teaches information gathering skills to promote and foster academic success, along with adding essential information for those wishing to continue their educational learning. By developing appropriate learning collections, it is able to provide efficient services within a friendly, relaxed, and educational

environment. It continues to provide leadership for campus information policy.

Madam Speaker, I join the citizens of the Second Congressional District in extolling Lamar University and the Mary and John Gray Library on realizing its goal of creating a depository that fosters, preserves, and maintains the American public's right to know. Lamar University is appreciated by the good citizens of the South East Texas.

That is just the way it is.

#### TRIBUTE TO THROGS NECK LITTLE LEAGUE

#### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to a number of my constituents, the Throgs Neck Little League team of Bronx, NY. I wish to recognize the Throgs Neck Little League for celebrating their 55th anniversary this year as a community association dedicated to improving the lives of countless youth. The commitment and contributions of coaches, families, and loyal fans deserve to be acknowledged and these community members commended for their steadfast devotion to this organization.

Madam Speaker, I join to congratulate the Throgs Neck Little League for their achievements thus far and I wish them continued luck and many wins ahead in future seasons.

#### RECOGNIZING THE PASCO COUNTY, FLORIDA FAIR ON ITS 60TH AN- NIVERSARY CELEBRATION

#### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Pasco County, Florida for hosting a fun and exciting annual fair for the past 60 years. While the first year of the Fair was not until 1947, Pasco County consistently won first place with its community booth at the Florida State Fair throughout the early 1940s. Partly due to Pasco County's success, the State Fair instituted a rule change that prohibited one county from winning first place more than three consecutive years.

Because of the rule change, prominent San Antonio rancher D. E. "Dan" Cannon formed a group to establish a county fair. Joined by Pasco County's agricultural agent Jimmy Higgins, Dade City businessmen Joe Collura, George Nikolai and Bob Williams began searching for property to host the Fair. Eventually finding 40 acres with a rolling hillside just west of Dade City, the group met in City Hall to raise the necessary funds to purchase the land.

On April 7, 1947, the Pasco County Fair Association was chartered for the purpose of hosting an annual fair. In the early days, they borrowed the midway rides from the Florida State Fair and drove to Tampa to disassemble the rides, deliver them to Dade City on the back of Dan Cannon's milk truck and then reassemble them on site. When the fair was

over, they would disassemble the rides and return them to Tampa. The early fairs included contests in fruit packing, orange peeling and eating. In addition, there were car races and rodeos.

In 1948, the late Hazel Whitman, also a charter member, started the Miss Pasco County Pageant as a fundraiser for the fair. "Heart of Florida" was added as the fair's logo about 10 years later and is still used today.

The association originally sold memberships for \$25 to raise money to host the fair. It is unique because throughout the years, it has remained a non-profit organization supported by its membership. The Fair is a great example of how entrepreneurs and warm-hearted individuals can make a difference in the community, without relying on the government for support.

Madam, Speaker, the Pasco County Fair is a beloved institution throughout the entire region. Thousands of area residents have spent their childhoods on the carnival rides and have fond memories of competing in the beauty pageant and eating contests. This year the Fair will celebrate its 60th consecutive year of offering a week of fun and excitement for my Pasco County constituents. I wish the Fair organizers best wishes during this year's Fair and hope that they will continue their efforts for another 60 years into the future.

CELEBRATING THE BIRTH OF  
ISAAC RICHARD LESLIE

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Ian and Carolyn Leslie of Beaufort, South Carolina, on the birth of their new baby boy. Isaac Richard Leslie was born in Beaufort on February 7, 2007, at 4:06 p.m., weighing 8 pounds and 3 ounces. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future.

His father, Ian Leslie, serves as City Editor for The Beaufort Gazette, one of the biggest and most historic newspapers in South Carolina. His mother, Carolyn Leslie, is a teacher at the E C Montessori School in Beaufort. They are both natives of New York, but have chosen South Carolina as their new home. I congratulate the Leslie family on Isaac's birth.

PELL GRANT EQUITY ACT OF 2007

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. GEORGE MILLER of California. Madam Speaker, I rise today along with my colleagues Rep. BUCK MCKEON, Rep. RUBEN HINOJOSA and Rep. RIC KELLER to introduce the Pell Grant Equity Act of 2007.

As we all know, Pell Grants are the cornerstone of our federal student aid system providing approximately \$13 billion for more than 5 million undergraduate students, mostly from low-income households.

Unfortunately, hundreds of thousands of low-income students, who would otherwise

qualify for a full Pell Grant, have been unable to do so because of the current "tuition sensitivity" rule.

"Tuition sensitivity" is intended to reduce the Pell Grant for students attending higher education institutions that charge very low tuition.

Current law punishes very low cost schools and the students who attend those schools by reducing the Pell Grant aid they can receive.

The Pell Grant Equity Act addresses this imbalance by eliminating the discriminating "tuition sensitivity" provision in the law and ensuring students continued eligibility for the full amount of aid they would have otherwise received.

According to the Congressional Research Service, the students most negatively affected by this policy are "the poorest students attending institutions with very low tuition charges."

Since 2001, tuition and fees at public colleges and universities have exploded, increasing by 41 percent after inflation.

The exception to the rule of rising tuition and fees, are California's community colleges. This year, instead of seeing an increase in tuition and fees, California community college students' enrollment fees witnessed a decrease from \$26 to \$20 per unit.

The California community college system, and any other college system that experience cost reductions, is unfairly penalized by the "tuition sensitivity" provision.

Based on estimates from the Chancellor's office of the California community college system, more than 260,000 California community college students are expected to receive reduced Pell Grants because of the tuition sensitivity provision.

Rather than limit the Pell Grant—our goal is to expand it, which is what we accomplish through the Pell Grant Equity Act.

We must ensure that every student in this country has the opportunity to pursue their educational dreams, particularly those from low- and middle-income families.

There is no goal more important for our nation's students and families, for our economy and our future.

INTRODUCTION OF H.R. 982, THE  
ADVANCE DEMOCRACY ACT OF 2007

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. LANTOS. Madam Speaker, I rise today to inform my colleagues that today I, along with FRANK WOLF, DAVID PRICE, ILEANA ROS-LEHTINEN and a number of other members have introduced the Advancing Democratic Values, Addressing Non-Democratic Countries and Enhancing (ADVANCE) Democracy Act of 2007. In the 109th Congress, precursor legislation spurred the Administration to start a number of changes in its approach, including adding capacity to the Department's Bureau of Democracy, Human Rights and Labor, and creating an Advisory Committee on Democracy Promotion. H.R. 982 builds on that momentum by continuing to try to achieve five major reforms. H.R. 982

(1) Requires the Secretary to develop long-term strategies for democracy promotion and human rights protection for non-democratic

and democratic transition countries and countries where there are severe human rights violations, and focuses such strategies on building democratic institutions.

(2) Requires that such strategies be developed in consultation with individuals and groups from each particular country that support democratic values and that such strategies be carried out in cooperation with our friends and allies and with international organizations.

(3) Requires training on democracy promotion and human rights protection throughout the careers of members of the Foreign Service and other State Department employees.

(4) Creates financial and promotion incentives for State Department employees who excel in democracy promotion and human rights protection.

(5) Requires that Ambassadors and other senior members of the Foreign Service do more to reach out to foreign audiences and engage robustly with government officials, foreign media, non-governmental organizations and students to have serious discussions about U.S. foreign policy, particularly that related to democracy and human rights.

The ADVANCE Democracy Act also contains a number of other additional reforms, such as requiring the establishment of an office to serve as a contact point for emerging activists, the development of guidelines for when nongovernmental organizations and contractors are appropriate implementing partners, and efforts to foster more multilateral cooperation on democracy promotion. The central thrust of these reforms is to ensure that democracy promotion is based on a long-term, multilateral approach that is created in consultation with those who are risking their lives for dignity and freedom and that does not ignore the most difficult countries.

Madam Speaker, the promotion of democracy and the protection of human rights are two sides of the same coin. We all recognize that these must be fundamental components of U.S. foreign policy, just as we realize that they are not the only components of U.S. foreign policy. We recognize the tension between these and other imperatives, but must always remember that building of democratic institutions and forward movement on democracy and human rights is always in U.S. interest, even if such movement is not as fast.

I urge my colleagues to cosponsor this important reform initiative.

TRIBUTE TO THE HISTORY OF AFRICAN AMERICAN CONTRIBUTIONS TO OUR NATION'S CAPTIVOL

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, the role of African Americans in the Capitol's history precedes our arrival as elected officials. In fact, the very foundations on which we stand bear witness to the involvement of African American people. Some names became famous, such as Benjamin Banneker. He was a free African American mathematician who helped layout our capital city 1791.



But many more names will never be widely known. Although they labored in obscurity, their contributions stand today as monuments to their tenacity. Among them were skilled and unskilled laborers who helped build the U.S. Capitol building in 1793. Both free and enslaved people labored side by side to create this architectural gem. They were carpenters, sawyers, blacksmiths, bricklayers, and brickmakers. Ironically, it was an enslaved person who helped cast our magnificent Statue of Freedom. Another slave—Philip Reid—used his mechanical expertise to lift that statue to the top of the Capitol Dome in 1863.

Eventually, African-Americans moved into domestic service roles. They served as messengers, groundskeepers, cafeteria workers, and in similar service capacities. Yet black people were excluded from professional jobs until the 20th century.

The first African American known to be hired as a professional clerk was Jesse Nichols, a government documents clerk for the Senate Finance Committee from 1937 to 1971.

Later Christine McCreary, who worked for Senators Stuart Symington and John Glenn, was one of the first staffers to challenge the de facto segregation that existed on Capitol Hill. Sadly, this second class status for blacks persisted well into the 1960s. And to some degree it stubbornly persists.

In 1985, Trudi Morrison became the first woman and the first African American to serve as Deputy Sergeant at Arms of the Senate. Three years ago we saw another first for African Americans when the Senate appointed Dr. Barry C. Black as Chaplain. He continues to hold this position today.

And this year, Madam Speaker, you have expanded the train of firsts into the House of Representatives. The appointment of Lorraine C. Miller as Clerk of the House makes her the first African American to serve as an official of this chamber.

These are the unsung heroes that made possible all of the successes African Americans in civil service positions enjoy today. Whether elected or appointed, it is on their shoulders that we stand. In this month when we heighten awareness of African-American history, it is critical that we acknowledge them and pay down our debt of gratitude.

#### TRIBUTE TO JONATHAN RIVERA

#### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to the accomplishments of one of my constituents, Jonathan Rivera of Bronx, NY. I wish to recognize Mr. Rivera for being named a semi-finalist in The New York Times College Scholarship Program. Currently a senior at Monsignor Scanlan High School, Jonathan has demonstrated both a commitment to academic excellence and to serving the community through his involvement in the Campus Ministry, making him a deserving recipient of this honor.

The New York Times awards 4-year scholarships and mentoring opportunities to only 20 students each year attending New York City public schools. Recipients are selected for at-

taining high levels of scholastic achievement in the face of adversity.

Madam Speaker, I join to wish Mr. Rivera best wishes and good fortune in his future projects.

#### GEORGE MCGOVERN SPEAKS ON IRAQ AT THE NATIONAL PRESS CLUB

#### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. MCGOVERN. Madam Speaker, last month, on January 12th, Senator George McGovern spoke at the National Press Club about what he would advise President Bush to do on the Iraq War.

At 84 years of age, and as a veteran of World War II, Senator McGovern has the experience and knowledge that leads him to focus on the important questions surrounding this critical policy question. I hope all my colleagues, on both sides of the aisle, will review Senator McGovern's remarks and ask the same questions of our president.

REMARKS BY SENATOR GEORGE MCGOVERN TO  
THE NATIONAL PRESS CLUB

[Jan. 12, 2007]

I'm glad to be back at the National Press Club. Indeed, at the age of 84, I'm glad to be anywhere. In my younger years when the subject of aging came up, trying to sound worldly wise, I would say, "It doesn't matter so much the number of years you have, but what you do with those years." I don't say that anymore. I now want to reach a hundred. Why? Because I thoroughly enjoy life and there are so many things I must still do before entering the mystery beyond. The most urgent of these is to get American soldiers out of the Iraqi hellhole Bush-Cheney and their neo-conservative theorists have created in what was once called the cradle of civilization. It is believed to be the location of the Garden of Eden. I mention the neo-conservative theorists to recall Walter Lippman's observance, "There is nothing so dangerous as a belligerent professor."

One of the things I miss about my 18 years in the U.S. Senate are the stories of the old Southern Democrats. I didn't always vote with them, but I loved their technique of responding to an opponent's questions with a humorous story. Once when Senator Sam Ervin of North Carolina had to handle a tough question from Mike Mansfield, he said, "You know, Mr. Leader, that question reminds me of the old Baptist preacher who was telling a class of Sunday school boys the creation story. 'God created Adam and Eve and from this union came two sons, Cain and Abel and thus the human race developed.' A boy in the class then asked, 'Reverend, where did Cain and Abel get their wives?' After frowning for a moment, the preacher replied, 'Young man—it's impertinent questions like that's hurtin' religion.'"

Well, Mr. Bush, Jr. I have some impertinent questions for you.

Mr. President, Sir, when reporter Bob Woodward asked you if you had consulted with your father before ordering our army into Iraq you said, "No, he's not the father you call on a decision like this. I talked to my heavenly Father above." My question, Mr. President: If God asked you to bombard, invade and occupy Iraq for four years, why did he send an opposite message to the Pope? Did you not know that your father, George

Bush, Sr., his Secretary of State James Baker and his National Security Advisor General Skowroft were all opposed to your invasion? Wouldn't you, our troops, the American people and the Iraqis all be much better off if you had listened to your more experienced elders including your earthly father? Instead of blaming God for the awful catastrophe you have unleashed in Iraq, wouldn't it have been less self-righteous if you had fallen back on the oft-quoted explanation of wrongdoing, "The devil made me do it?"

And Mr. President, after the 9-11 hit against the Twin Towers in New York, which gained us the sympathy and support of the entire world, why did you then order the invasion of Iraq, which had nothing to do with 9-11? Are you aware that your actions destroyed the international reservoir of good will towards the United States? What is the cost to America of shattering the standing and influence of our country in the eyes of the world?

Why, Mr. President did you pressure the CIA to report falsely that Iraq was building weapons of mass destruction including nuclear weapons? And when you ordered your Secretary of State, Colin Powell, to go to New York and present to the U.N. the Administration's "evidence" that Iraq was an imminent nuclear threat to the United States, were you aware that after reading this deceitful statement to the U.N., Mr. Powell told an aid that the so-called evidence was "bullshit"?

Is it reasonable to you, President Bush, that Colin Powell told you near the end of your first term that he would not be in your administration if you were to receive a second term? What decent person could survive two full terms of forced lying and deceit?

And Mr. President, how do you enjoy your leisure time, and how can you sleep at night knowing that 3014 young Americans have died in a war you mistakenly ordered? What do you say to the 48,000 young Americans who have been crippled for life in mind or body? What is your reaction to the conclusion of the leading British medical journal (Lancet) that since you ordered the bombardment and occupation of Iraq four years ago, 600 thousand Iraqi men, women and children have been killed? What do you think of the destruction of the Iraqi's homes, their electrical and water systems, their public buildings?

And Mr. Bush and Mr. Cheney, while neither of you has ever been in combat (Mr. Cheney asking and receiving five deferments from the Vietnam War), have you not at least read or been briefed on the terrible costs of that ill-advised and seemingly endless American war in tiny Vietnam? Do you realize that another Texas President, Lyndon Baines Johnson, declined to seek a second term in part because he had lost his credibility over the disastrous war in Vietnam? Are you aware that one of the chief architects of that war, Secretary of Defense Robert McNamara, resigned his office and years later published a book declaring that the war was all a tragic mistake? Do you know this recent history in which 58,000 young Americans died in the process of killing 2 million Vietnamese men, women and children? If you do not know about this terrible blunder in Vietnam, are you not ignoring the conclusion of one of our great philosophers: "Those who are ignorant of history are condemned to repeat it." And, Mr. President, in your ignorance of the lessons of Vietnam, are you not condemning our troops and our people to repeat the same tragedy in Iraq?

During the long years between 1964 and 1975 when I fought to end the American war in Vietnam, first as a U.S. Senator from

South Dakota and then as my party's nominee for President, my four daughters ganged up on my one night. "Dad, why don't you give up this battle? You've been speaking out against this crazy war since we were little kids. When you won the Democratic presidential nomination, you got snowed under by President Nixon." In reply I said, "Just remember that sometimes in history even a tragic mistake produces something good. The good about Vietnam is that it is such a terrible blunder, we'll never go down that road again." Mr. President, we're going down that road again. So, what do I tell my daughters? And what do you tell your daughters?

Mr. President, I do not speak either as a pacifist or a draft dodger. I speak as one who after the attack on Pearl Harbor, volunteered at the age of nineteen for the Army Air Corps and flew 35 missions as a B-24 bomber. I believed in that war then and I still do 65 years later. And so did the rest of America. Mr. President, are you missing the intellectual and moral capacity to know the difference between a justified war and a war of folly in Vietnam or Iraq?

Public opinion polls indicate that two-thirds of the American people think that the war in Iraq has been a mistake on your part. It is widely believed that this war was the central reason Democrats captured control of both houses of Congress. Polls among the people of Iraq indicate that nearly all Iraqis want our military presence in their country for the last four years to end now. Why do you persist in defying public opinion in both the United States and Iraq and throughout the other countries around the globe? Do you see yourself as omniscient? What is your view of the doctrine of self-determination, which we Americans hold dear?

And wonder of wonders, Mr. President, after such needless death and destruction, first in the Vietnamese jungle and now in the Arabian desert, how can you order 21,500 more American troops to Iraq? Are you aware that as the war in Vietnam went from bad to worse, our leaders sent in more troops and wasted more billions of dollars until we had 550,000 U.S. troops in that little country? It makes me shudder as an aging bomber pilot to remember that we dropped more bombs on the Vietnamese and their country than the total of all the bombs dropped by all the air forces around the world in World War II. Do you, Mr. President, honestly believe that we need tens of thousands of additional troops plus a supplemental military appropriation of 200 billion dollars before we can bring our troops home from this nightmare in ancient Baghdad?

In your initial campaign for the Presidency, Mr. Bush, you described yourself as a "compassionate conservative." What is compassionate about consigning America's youth to a needless and seemingly endless war that has now lasted longer than World War II? And what is conservative about reducing the taxes needed to finance this war and instead running our national debt to nine trillion dollars with money borrowed from China, Japan, Germany and Britain? Is this wild deficit financing your idea of conservatism? Mr. President, how can a true conservative be indifferent to the steadily rising cost of a war that claims over seven billion dollars a month, 237 million dollars every day? Are you troubled to know as a conservative that just the interest on our skyrocketing national debt is \$760,000 every day? Mr. President, our Nobel Prize winning economist, Joseph Stiglitz, estimates that if the war were to continue until 2010 as you have indicated it might, the cost would be over a trillion dollars.

Perhaps, Mr. President, you should ponder the words of a genuine conservative—England's 19th Century member of Parliament,

Edmund Burke: "A conscientious man would be cautious how he dealt in blood."

And, Mr. President at a time when your most respected generals have concluded that the chaos and conflict in Iraq cannot be resolved by more American dollars and more American young bodies, do you ever consider the needs here at home of our own anxious and troubled society? What about the words of another true conservative, General and President Dwight Eisenhower who said that, "Every gun that is made, every warship launched, every rocket fired signifies in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed."

And, Mr. President, would not you and all the rest of us do well to ponder the farewell words of President Eisenhower: "In the councils of government; we must guard against the acquisition of the unwarranted influence of the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

Finally, Mr. President, I ask have you kept your oath of office to uphold the Constitution when you use what you call the war on terrorism to undermine the Bill of Rights? On what constitutional theory do you seize and imprison suspects without charge, sometimes torturing them in foreign jails? On what constitutional or legal basis have you tapped the phones of Americans without approval of the courts as required by law? Are you above the Constitution, above the law, and above the Geneva accords? If we are fighting for freedom in Iraq as you say, why are you so indifferent to protecting liberty here in America?

Many Americans are now saying in effect, "The American war in Iraq has created a horrible mess but how can we now walk away from it?" William Polk, a former Harvard and University of Chicago professor of Middle East Studies and a former State Department expert on the Middle East, has teamed up with me on a recent book requested by Simon and Schuster. It is entitled, "Out of Iraq: A Practical Plan for Withdrawal Now." I feel awkward praising it, so I give you the respected journalist of the New York Times, and now of Newsweek, Anna Quindlen who told Charlie Rose on his excellent TV program: "There is a wonderful book I am recommending to everyone. It's a very small, readable book by George McGovern and William Polk called "Out of Iraq". And it just very quickly runs you through the history of the country, the makeup of the country, how we got in, the arguments for getting in—many of which don't withstand scrutiny—and how we can get out. It's like a little primer. I think the entire nation should read it and then we will be united."

If you need a second for the judgment of Anna Quindlen, I give you the esteemed Library Journal: "In this crisp and cogently argued book, former Senator McGovern and scholar Polk offer a trenchant and straightforward critique of the war in Iraq. What makes their highly readable book unique is that it not only argues why the United States needs to disengage militarily from Iraq now . . . but also clearly delineates practical steps for troop withdrawal . . . Essential reading for anybody who wants to cut through the maze of confusion that surrounds current U.S. policy in Iraq, this book is highly recommended for public and academic libraries."

Professor Polk is a descendant of President Polk and the brother of the noted George Polk, is here today from his home in southern France and he will join me at the podium as I conclude this impartial interrogation of President Bush. And now, members of the National Press Club and your guests, it's your turn to cross-examine Bill Polk and me in, of course, an equally impartial manner.

## PERSONAL EXPLANATION

**HON. TIM RYAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. RYAN of Ohio. Madam Speaker, on Thursday, February 8, 2007, I was attending the funeral of the father of a member of my staff and missed rollcall votes No. 81–92. Had I been present, I would have voted "aye" on rollcall votes No. 81, 82, 83, 85, 86, 87, 88, 89, 90 and "aye" on final passage of H.R. 547, the Advanced Fuels Infrastructure Research and Development Act (rollcall vote No. 92). I would have voted "nay" on rollcall votes No. 84 and 91.

## PERSONAL EXPLANATION

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Ms. WASSERMAN SCHULTZ. Madam Speaker, I was unavoidably detained for rollcall vote No. 85, on agreeing to the Rogers amendment to H.R. 547, at 4:01 p.m. on February 8, 2007.

If present, I would have voted "aye."

RECOGNIZING DR. STEVEN SCOTT FOR HIS WORK ON BEHALF OF AMERICA'S VETERANS

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Dr. Steven G. Scott, a nominee for the U.S. Department of Veterans Affairs Employee of the Year Award, issued annually by the Disabled American Veterans. As someone who had dedicated their professional career to meeting the healthcare needs of his patients, Dr. Scott deserves recognition for his work on behalf of our nation's veterans.

While stationed at the James A. Haley VA Medical Center in Tampa, Florida for the past sixteen years, Dr. Scott has been instrumental in bringing specialized healthcare to soldiers with traumatic injuries. His work has focused on providing care for those individuals wounded through explosions, as well as those afflicted with spinal cord injuries.

Without Dr. Scott's tireless efforts, these soldiers would not have access to the high quality care they receive today. I have toured the facilities at Haley in person, and can attest to the outstanding facilities, excellent staff, and professional atmosphere. Dr. Scott deserves a great deal of the credit for the quality care provided to the severely wounded at Haley. Families around the country request the Haley Center because of the superior healthcare services Dr. Scott has brought to the Polytrauma Center.

Dr. Scott has also been recognized for his outstanding work serving veterans injured in combat. The 2006 recipient of the Tampa Bay Business Journal's Health Care Heroes Award

for Health Care Innovation and Research, Dr. Scott was also awarded the 2004 Olin E. Teague Award, the highest award for treating war-related injuries in the VA.

Madam Speaker, dedicated public servants like Dr. Steven G. Scott should be recognized for their years of service to America's veterans. I know that he will continue to help the patients at James Haley VA Medical Center recover from their injuries and improve their medical care. Congress should recognize the men and women like Dr. Scott who work day in and day out on behalf of our veterans.

#### TRIBUTE TO JOANNA KURYLO

##### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to one of my constituents, Joanna Kurylo of Queens, NY. I wish to recognize Ms. Kurylo for being awarded the 2007 New York State Dr. Martin Luther King, Jr. Humanitarian Youth Award. Joanna is a student at Christ the King Regional High School where she has achieved a high level of excellence and has already established herself as a community leader. While participating in a number of extra-curricular school activities, Joanna was honored for her notable fundraising efforts which brought aid to the Darfur region and helped advance the battle against leprosy. This award is granted to five students throughout New York State each year.

Madam Speaker, I join to wish Ms. Kurylo best wishes and good fortune in her future projects.

#### HONORING DR. EMIL FREI III

##### HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. HELLER of Nevada. Madam Speaker, I rise today to pay tribute to Dr. Emil Frei III, a pioneer in cancer treatment, one of the world's foremost oncologists, and a leader in medical education.

In addition to his many different leadership roles, throughout his career Dr. Frei has made notable advances in cancer treatment. His clinical research has made major contributions to the successful application of chemotherapy, a treatment method that has cured tens of thousands of patients. Dr. Frei served as Chief of Medicine at the National Cancer Institute, Associate Scientific Director Head at M.D. Anderson, Director and Physician-in-Chief at the Dana-Farber Cancer Institute, and is now the Physician-in-Chief, Emeritus, at the Dana-Farber Cancer Institute. He has also served on the advisory or director boards of numerous companies and non-profit organizations, including: Adherex Technologies, Angstrom, CaP Cure, Celator Pharmaceuticals, DIAD Research, Immunogen, Infinity Pharmaceuticals, Vion Pharmaceuticals, Aid for Cancer Research, the Cancer Research Institute, the Journal of Clinical Oncology, and the New England Journal of Medicine. Dr. Frei's contributions have been recognized by numerous

awards including the Lasker Award, the Kettering Prize from the General Motors Cancer Research Foundation, and most recently the Inaugural Lifetime Achievement Award from the American Association for Cancer Research.

Not only a medical practitioner but a distinguished educator, Dr. Frei served as Professor of Medicine at The University of Texas for seven years, and at Harvard Medical School for 24 years. The textbook he co-authored, Cancer Medicine, was the first published about oncology, and remains a seminal text in this field of medicine.

Dr. Frei is now retired in southern Nevada, but continues to lecture, write, and offer advice about the field in which he worked for more than 50 years. He now serves on the chapter board of the Southern Nevada Leukemia & Lymphoma Society, which will be hosting the inaugural Dr. Emil Frei III Symposium in March 2007.

Madam Speaker, I am proud to pay tribute to Dr. Frei for his committed service to medical oncology, service that has helped thousands of cancer patients under his care and innumerable patients in the future through his leadership and instruction. His exceptional career deserves the highest commendation and praise.

#### TRIBUTE TO OUR TROOPS

##### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 12, 2007*

Mr. KINGSTON. Madam Speaker, I rise today to submit to the RECORD an article by the writer, actor, economist and lawyer, Ben Stein. This article, titled "Greetings from Rancho Mirage", expresses support and encouragement to our many hardworking and dedicated troops abroad:

GREETINGS FROM RANCHO MIRAGE—BY BEN STEIN

Dear Soldiers, Sailors, Airmen, Marines, National Guard, Reservists, in Iraq, in the Middle East theater, in Afghanistan, in the area near Afghanistan, in any base anywhere in the world, and your families:

Let me tell you about why you guys own about 90 percent of the backbone in the whole world right now and should be happy with yourselves and proud of whom you are.

It was a dazzlingly hot day here in Rancho Mirage today. I did small errands like going to the bank to pay my mortgage, finding a new bed at a price I can afford, practicing driving with my new 5 wood, paying bills for about two hours. I spoke for a long time to a woman who is going through a nasty child custody fight. I got e-mails from a woman who was fired today from her job for not paying attention. I read about multi-billion-dollar mergers in Europe, Asia, and the Midwest. I noticed how overweight I am, for the millionth time. In other words, I did a lot of nothing.

Like every other American who is not in the armed forces family, I basically just rearranged the deck chairs on the Titanic in my trivial, self-important, meaningless way.

Above all, I talked to a friend of more than forty-three years who told me he thought his life had no meaning because all he did was count his money. And, friends in the armed forces, this is the story of all of America today. We are doing nothing but treading

water while you guys carry on the life or death struggle against worldwide militant Islamic terrorism. Our lives are about nothing: paying bills, going to humdrum jobs, waiting until we can go to sleep and then do it all again. Our most vivid issues are trivia compared with what you do every day, every minute, every second.

Oprah Winfrey talks a lot about "meaning" in life. For her, "meaning" is dieting and then having her photo on the cover of her magazine every single month (surely a new world record for egomania). This is not "meaning."

—Meaning is doing for others.

—Meaning is risking your life for hers.

—Meaning is putting your bodies and families' peace of mind on the line to defeat some of the most evil, sick killers the world has ever known.

—Meaning is leaving the comfort of home to fight to make sure that there still will be a home for your family and for your nation and for free men and women everywhere.

Look, soldiers and Marines and sailors and airmen and Coast Guardsmen, there are eight billion people in this world. The whole fate of this world turns on what you people, 1.4 million, more or less, do every day. The fate of mankind depends on what about 2/100 of one percent of the people in this world do every day and you are those people. And joining you is every policeman, fireman, and Emergency Medical Technician in the country, also holding back the tide of chaos.

Do you know how important you are? Do you know how indispensable you are? Do you know how humbly grateful any of us who has a head on his shoulders is to you? Do you know that if you never do another thing in your lives, you will always still be heroes? That we could live without hollywood or Wall Street or the NFL, but we cannot live for a week without you?

We are on our knees to you and we bless and pray for you every moment. And Oprah Winfrey, if she were a size two, would not have one millionth of your importance, and all of the Wall Street billionaires will never mean what the least of you do, and if Barry Bonds hits hundreds of home runs it would not mean as much as you going on one patrol or driving one truck to the Baghdad airport.

You are everything to us, as we go through our little days, and you are in the prayers of the nation and of every decent man and woman on the planet. That's who you are and what you mean. I hope you know that.

Love,

BEN STEIN.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 13, 2007 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## FEBRUARY 14

9:30 a.m.

Health, Education, Labor, and Pensions  
Business meeting to consider the Mental Health Parity Act of 2007, the Head Start for School Readiness Act, and any pending nominations.

SD-430

10 a.m.

Banking, Housing, and Urban Affairs  
To hold hearings to examine the semi-annual monetary policy report to the Congress.

SD-106

Budget

To hold hearings to examine the President's fiscal year 2008 budget proposals on tax compliance.

SD-608

Homeland Security and Governmental Affairs

Business meeting to consider S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, S. 343, to extend the District of Columbia College Access Act of 1999, S. 457, to extend the date on which the National Security Personnel System will first apply to certain defense laboratories, a proposed bill to preserve existing judgeships on the Superior Court of the District of Columbia, S. 550, to preserve existing judgeships on the Superior Court of the District of Columbia, S. 171, to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building", S. 194 and H.R. 49, bills to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building", S. 219 and H.R. 335, bills to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office", S. 303, to designate the facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the "Coach Eddie Robinson Post Office Building", S. 412 and H.R. 521, bills to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building", H.R. 433, to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building", H.R. 514, to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office", and H.R. 577, to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building".

SD-342

Judiciary

To hold hearings to examine judicial security and independence.

SH-216

Commerce, Science, and Transportation

Trade, Tourism, and Economic Development Subcommittee

To hold hearings to examine overseas sweatshop abuses, focusing on their impact on U.S. workers and the need for anti-sweatshop legislation.

SR-253

11:30 a.m.

Rules and Administration

To hold hearings to examine Senate Committee budget Requests.

SR-301

2:30 p.m.

Commerce, Science, and Transportation

Fisheries and Coast Guard Subcommittee

To hold an oversight hearing to examine recent setbacks to the Coast Guard Deepwater Program.

SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

## FEBRUARY 15

9:15 a.m.

Foreign Relations

To hold hearings to examine the nominations of Ryan C. Crocker, of Washington, to be Ambassador to the Republic of Iraq, and William B. Wood, of New York, to be Ambassador to the Islamic Republic of Afghanistan.

SD-628

9:30 a.m.

Armed Services

To hold hearings to examine the current and future readiness of the Army and Marine Corps; there is a possibility of a closed session in SR-222 following the open session.

SH-216

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine the Administration's proposal to reauthorize the Federal Aviation Administration (Part 1).

SR-253

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior.

SD-366

Indian Affairs

To hold an oversight hearing to examine the President's budget request for fiscal year 2008 for tribal programs.

SR-485

10 a.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Environmental Protection Agency.

SD-406

Finance

To hold hearings to examine the Administration trade agenda for 2007.

SD-215

Judiciary

Business meeting to consider the nomination of Beryl A. Howell, of the District of Columbia, and Dabney Langhorne Friedrich, of Virginia, both to be a Member of the United States Sentencing Commission, S. 316, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 236, to require re-

ports to Congress on Federal agency use of data mining, S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, S. 442, to provide for loan repayment for prosecutors and public defenders, S. Res. 41, honoring and the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers, S. Res. 47, honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers, S. Res. 49, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State, S. Res. 53, congratulating Illinois State University as it marks its sesquicentennial, and S. Res. 69, recognizing the African-American spiritual as a national treasure.

SD-226

Aging

To hold hearings to examine those Americans born between 1946 and 1964 (baby boomers), focusing on the federal budget and senior citizens.

SD-562

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To receive a briefing on the reorganization of the Office of the Under Secretary of Defense for Policy.

SR-232A

## FEBRUARY 16

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine paying for college in the future relating to higher education, higher cost and higher student debt.

SD-430

## FEBRUARY 27

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Disabled American Veterans.

345 CHOB

## FEBRUARY 28

2:30 p.m.

Commerce, Science, and Transportation  
Science and Space Subcommittee

To hold hearings to examine the President's budget request for the National Aeronautics and Space Administration (NASA).

SR-253

## MARCH 1

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine the Veterans Administration adjudication process.

SR-418

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine universal service.

SR-253

MARCH 6

9:30 a.m.

## Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.

345 CHOB

MARCH 8

9:30 a.m.

## Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Paralyzed Veterans of America, Jewish War Veterans, and Blinded Veterans Association.

SD-106

MARCH 29

9:30 a.m.

## Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, Ex-POWs, Military Order of the Purple Heart, and Fleet Reserve Association.

SD-106

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S1813–S1878*

**Measures Introduced:** Sixteen bills and two resolutions were introduced, as follows: S. 543–558, S. Res. 77, and S. Con. Res. 10. **Page S1848**

**Measures Reported:**

S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys, with an amendment. **Page S1848**

**Measures Passed:**

**Antitrust Modernization Commission:** Senate passed H.R. 742, to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction, clearing the measure for the President. **Page S1873**

**Continuing Appropriations—Agreement:** A unanimous-consent agreement was reached providing that Senate resume consideration of H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, at 2:15 p.m., on Tuesday, February 13, 2007; that the time until 2:30 p.m., be equally divided and controlled by the Majority Leader and Republican Leader, or their designees; that at 2:30 p.m., Senate vote on the motion to invoke cloture on the resolution; and provided further that on Tuesday, February 13, 2007, Members have until noon to file second-degree amendments. **Page S1873**

**Appointments:**

**Reading of Washington's Farewell Address:** The Chair, on behalf of the Vice President, pursuant to the order of the Senate on January 24, 1901, as modified by the order of February 5, 2007, appointed Senator Corker to read Washington's Farewell Address on Monday, February 26, 2007. **Page S1873**

**Messages From the President:** Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report relative to the export of items to the People's Republic of

China; which was referred to the Committee on Foreign Relations. (PM–6) **Page S1846**

Transmitting, pursuant to law, the Economic Report of the President dated February 2007 with the Annual Report of the Council of Economic Advisers for 2007; which was referred to the Joint Economic Committee. (PM–7) **Pages S1846–47**

**Nomination Confirmed:** Senate confirmed the following nomination:

John D. Negroponte, of New York, to be Deputy Secretary of State. **Pages S1873, S1878**

**Nominations Received:** Senate received the following nominations:

Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

David George Nason, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Zalmay Khalilzad, of Maryland, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Zalmay Khalilzad, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

Ford M. Fraker, of Massachusetts, to be Ambassador to the Kingdom of Saudi Arabia.

Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability for a term expiring September 17, 2008.



Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010.

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010.

Carol D'Amico, of Indiana, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010.

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2014.

Kristine Mary Miller, of Colorado, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

Brenda L. Kingery, of Texas, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

Julie E. Kitka, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

Sonya Kelliher Combs, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2008.

Perry R. Eaton, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

**Pages S1877–78**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2016, which was sent to the Senate on January 9, 2007.

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**Messages From the House:** **Page S1847**

**Executive Communications:** **Pages S1847–48**

**Additional Cosponsors:** **Pages S1848–50**

**Statements on Introduced Bills/Resolutions:** **Pages S1850–69**

**Additional Statements:** **Pages S1845–46**

**Amendments Submitted:** **Pages S1869–73**

**Notices of Hearings/Meetings:** **Page S1873**

**Authorities for Committees to Meet:** **Page S1873**

**Adjournment:** Senate convened at 1:00 p.m., and adjourned at 7:22 p.m., until 10 a.m., on Tuesday, February 13, 2007.

## Committee Meetings

*(Committees not listed did not meet)*

### BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee approved for reporting the following subcommittee assignments for the 110th Congress:

*Subcommittee on Aviation Operations, Safety, and Security:* Senators Rockefeller (Chair), Kerry, Dorgan, Boxer, Nelson (FL), Cantwell, Lautenberg, Pryor, Carper, McCaskill, Klobuchar, Lott, McCain, Hutchison, Snowe, Smith, Ensign, Sununu, DeMint, Vitter, and Thune.

*Subcommittee on Science, Technology, and Innovation:* Senators Kerry (Chair), Rockefeller, Dorgan, Boxer, Cantwell, Pryor, McCaskill, Klobuchar, Ensign, McCain, Hutchison, Smith, Sununu, DeMint, and Thune.

*Subcommittee on Interstate Commerce, Trade, and Tourism:* Senators Dorgan (Chair), Rockefeller, Kerry, Boxer, Cantwell, Pryor, McCaskill, DeMint, McCain, Snowe, Smith, Ensign, and Sununu.

*Subcommittee on Space, Aeronautics, and Related Science:* Senators Nelson (FL) (Chair), Kerry, Dorgan, Pryor, Hutchison, Lott, and Sununu.

*Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard:* Senators Cantwell (Chair), Kerry, Boxer, Nelson (FL), Lautenberg, Carper, Klobuchar, Snowe, Lott, Smith, Sununu, DeMint, and Vitter.

*Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security:* Senators Lautenberg (Chair), Rockefeller, Kerry, Dorgan, Cantwell, Pryor, Carper, McCaskill, Klobuchar, Smith, McCain, Lott, Hutchison, Snowe, DeMint, Vitter, and Thune.

*Subcommittee on Consumer Affairs, Insurance, and Automotive Safety:* Senators Pryor (Chair), Rockefeller, Nelson (FL), Cantwell, Lautenberg, Carper, McCaskill, Klobuchar, Sununu, McCain, Lott, Snowe, Smith, Vitter, and Thune.

*Senators Inouye and Stevens are ex officio members of each of the Subcommittees.*

## ENERGY EFFICIENCY

*Committee on Energy and Natural Resources:* Subcommittee on Energy concluded a hearing to examine recommendations on policies and programs to improve the energy efficiency of buildings and to expand the role of electric and gas utilities in energy efficiency programs, after receiving testimony from Kim Christianson, North Dakota Department of Commerce, Bismarck, on behalf of the National As-

sociation of State Energy Officials; R. K. Stewart, American Institute of Architects, and Kateri Callahan, Alliance to Save Energy, both of Washington, D.C.; Charles R. Zimmerman, Wal-Mart Stores, Inc., Bentonville, Arkansas; Jack Hebert, Cold Climate Housing Research Center, Fairbanks, Alaska; and James E. Rogers, Duke Energy, Charlotte, North Carolina, on behalf of the Edison Electric Institute.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 26 public bills, H.R. 979–1004; 1 private bill, H.R. 1005; and 7 resolutions, H. Con. Res. 63–64 and H. Res. 152–156, were introduced. **Pages H1470–71**

**Additional Cosponsors:** **Pages H1471–72**

**Reports Filed:** Reports were filed today as follows:

H.R. 342, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the “Rush Hudson Limbaugh, Sr., United States Courthouse”, with amendments (H. Rept. 110–10);

H.R. 798, to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy (H. Rept. 110–11); and

H. Res. 157, providing for consideration of H. Con. Res. 63, disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq (H. Rept. 110–12). **Page H1470**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Inslee to act as Speaker pro tempore for today. **Page H1425**

**Recess:** The House recessed at 12:31 p.m. and reconvened at 2:00 p.m. **Page H1425**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Recognizing and honoring the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation:* H. Res. 134, to recognize and honor the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation, by a  $\frac{2}{3}$  yeas-and-nays vote of 412 yeas with none voting “nay”, Roll No. 93;

**Pages H1426–30, H1447–48**

*Establishing a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges:* H.R. 34, to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; **Pages H1430–33**

*Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary:* H. Con. Res. 44, to honor and praise the National Association for the Advancement of Colored People on the occasion of its 98th anniversary, by a  $\frac{2}{3}$  yeas-and-nays vote of 410 yeas with none voting “nay”, Roll No. 94;

**Pages H1433–36, H1448–49**

*Recognizing the historical significance of the Pinedale Assembly Center, the reporting site for 4,823 Japanese Americans who were unjustly interned during World War II:* H. Res. 109, to recognize the historical significance of the Pinedale Assembly Center, the reporting site for 4,823 Japanese Americans who were unjustly interned during World War II; **Pages H1440–41**

*Miguel Angel Garcia Mendez Post Office Building Designation Act:* H.R. 414, to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the “Miguel Angel Garcia Mendez Post Office Building”; **Pages H1442–43**

*Rush Hudson Limbaugh, Sr., United States Courthouse Designation Act:* H.R. 342, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the “Rush Hudson Limbaugh, Sr., United States Courthouse”; and **Pages H1443–44**

Agreed to amend the title so as to read: “To designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as

the ‘Rush Hudson Limbaugh, Sr. United States Courthouse’.”

Page H1444

*Directing the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy:* H.R. 798, to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy.

Pages H1444–46

**Presidential Messages:** Read a message from the President certifying that export of certain items to the People’s Republic of China is not detrimental to the U.S. space launch industry—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–14) and

Page H1446

Read a message from the President wherein he transmitted to Congress the 2007 Economic Report of the President—referred to the Joint Economic Committee and ordered printed (H. Doc. 110–2).

Page H1447

**Recess:** The House recessed at 4:43 p.m. and reconvened at 6:30 p.m.

Page H1447

**Suspensions:** The House debated the following measures under suspension of the rules. Further proceedings were postponed until a later date:

*Recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt:* H. Res. 122, to recognize the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and to support the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II and

Pages H1436–39

*Lino Perez, Jr. Post Office Designation Act:* H.R. 437, to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the “Lino Perez, Jr. Post Office”.

Pages H1441–42

**Committee Elections:** The House agreed to H. Res. 153, electing the following Members to serve on the Committee on Standards of Official Conduct of the House of Representatives: Representatives Bonner, Barrett (SC), Kline, and McCaul (TX).

Page H1449

**Senate Message:** Message received from the Senate today appears on page H1453.

**Quorum Calls—Votes:** Two yea-and-nay votes developed during the proceedings of today and appear on pages H1447–48 and H1448–49. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 11 p.m.

## Committee Meetings

### DEFENSE APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Defense held a hearing on U.S. Air Force Fiscal Year 2007 Supplemental Request. Testimony was heard from the following officials of the Department of the Air Force: Michael W. Wynee, Secretary; and GEN T. Michael Moseley, USMC, Chief of Staff.

### RESOLUTION DISAPPROVING DEPLOYMENT OF ADDITIONAL U.S. TROOPS TO IRAQ

*Committee on Rules:* Granted, by a vote of 9 to 4, a closed rule. The rule provides for the following general debate in the House on H. Con. Res. 63, disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq: (1) not beyond midnight on Tuesday, February 13, 2007; (2) not beyond midnight on Wednesday, February 14, 2007; and (3) 12 hours beginning on Thursday, February 15, 2007. All debate is equally divided and controlled by the Majority and Minority Leader or their designees. The rule waives all points of order against consideration of the concurrent resolution and provides that the concurrent resolution shall be considered as read.

The rule provides that the Majority Leader at any time, after consultation with the Minority Leader, may extend debate time for an additional hour. The rule also provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Finally, the rule contains one motion to recommit which may not contain instructions. Testimony was heard from Chairman Skelton, Chairman Lantos, Representatives Jones of North Carolina, Pence, Wolf, Shays, Gilchrest, and Sam Johnson of Texas.

### SMALL BUSINESS TAX RELIEF ACT OF 2007

*Committee on Ways and Means:* Ordered reported, as amended, H.R. 976, Small Business Tax Relief Act of 2007.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D138)

H.R. 188, to provide a new effective date for the applicability of certain provisions of law to Public Law 105–331. Signed on February 8, 2007 (Public Law 110–3)

## COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 13, 2007

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine challenges and opportunities relating to rural development, 9:45 a.m., SR-328A.

*Committee on Appropriations:* Subcommittee on Interior and Related Agencies, to hold oversight hearings to examine the Outer Continental Shelf oil and natural gas royalty management by the Department of the Interior, 10 a.m., SD-124.

*Committee on the Budget:* to hold hearings to examine the President's Fiscal Year 2008 budgetary proposals for the Department of Health and Human Services, 10 a.m., SD-608.

*Committee on Commerce, Science, and Transportation:* business meeting to consider pending calendar business, 10 a.m., SR-253.

*Committee on Energy and Natural Resources:* to hold hearings to examine the "Stern Review of the Economics of Climate Change" examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere, 10 a.m., SD-106.

*Committee on Environment and Public Works:* to hold hearings to review and report the recommendations of the United States Climate Action Partnership Report, 10 a.m., SD-406.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine The Healthy Families Act, focusing on safeguarding Americans' livelihood, families and health with paid sick days, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine the Homeland Security Department's budget request for Fiscal Year 2008, 10 a.m., SD-342.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine alternatives for easing small business health care costs, 10 a.m., SR-428A.

*Committee on Veterans' Affairs:* to hold hearings to examine the President's proposed budget request for fiscal year 2008 for veterans programs, 9:30 a.m., SR-418.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

### House

*Committee on Appropriations,* Subcommittee on Defense, on U.S. Navy/Marine Corps Fiscal Year 2007 Supplemental Request, 1:30 p.m., H-140 Capitol.

Subcommittee on Homeland Security, on Aviation Security Challenges, 10 a.m., and on Transportation Security Challenges, 2 p.m., 2358 Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, on Overview of National Forest Service, 10 a.m., B-308 Rayburn.

Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies, on Related Agencies, on 9:30 a.m., H-143 Capitol.

*Committee on Armed Services,* hearing on an assessment of security and stability in Afghanistan and developments in U.S. strategy and operations, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing to review the fiscal year 2008 military health care budget and the challenges facing the military health care system, 2 p.m., 2212 Rayburn.

Subcommittee on Seapower and Expeditionary Forces and the Subcommittee on Readiness, joint hearing on U.S. Marine Corps and U.S. Navy reset requirements, 3 p.m., 2118 Rayburn.

*Committee on the Budget,* hearing on the Department of Health and Human Services Fiscal Year 2008 Budget, 2 p.m., 210 Cannon.

*Committee on Energy and Commerce,* Subcommittee on Energy and Air Quality, hearing entitled "Addressing Climate Change—Views from Private Sector Panels," 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "The Adequacy of FDA to Assure the Safety of the Drug Supply, 9:15 a.m., 2123 Rayburn.

*Committee on Financial Services,* to mark up the following bills: H.R. 835, To reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; and H.R. 556, National Security Foreign Investment Reform and Strengthened Transparency Act of 2007 and to consider the Oversight Plan for the 110th Congress, 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* hearing on the Future of the United Nations under Ban Ki-Moon, 10 a.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled "Border Security: Infrastructure, Technology, and the Human Element," 10 a.m., 311 Cannon.

Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled "Rail and Mass Transit Security: Industry and Labor Perspectives," 3 p.m., Cannon.

*Committee on the Judiciary,* Subcommittee on Commercial and Administrative Law held an oversight hearing entitled "Amending Executive Order 12866: Good Governance or Regulatory Usurpation?" 1 p.m., 2141 Rayburn.

*Committee on Oversight and Government Reform,* hearing on the following: the Executive Branch Reform Act of 2007; and the Whistleblower Protection Enhancement Act of 2007, 10 a.m., 2154 Rayburn.

*Committee on Science and Technology,* hearing on National Imperatives for Earth and Climate Science (National Academy of Sciences Decadal Survey), 10 a.m., 2318 Rayburn.

Subcommittee on Investigations and Oversight, hearing on Amending Executive Order 12866: Good Governance or Regulatory Usurpation? 12 p.m., 2141 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Highways and Transit, hearing entitled "Public-Private Partnerships: Innovative Financing and Protecting the Public Interest," 10 a.m., 2167 Rayburn.

Subcommittee on Railroads, Pipelines and Hazardous Materials, hearing entitled “Fatigue in the Rail Industry,” 2 p.m., 2167 Rayburn.

*Committee on Ways and Means*, Subcommittee on Health, hearing on the Medicare portions of the President’s Fiscal Year 2008 Budget Proposals, 2 p.m., 1100 Longworth.

Subcommittee on Income Security and Family Support, to meet for organizational purposes; followed by a hearing on economic opportunity and poverty in America, 10 a.m., B-318 Rayburn.

Subcommittee on Oversight, hearing on Earned Income Tax Credit Outreach, 1 p.m., B-318 Rayburn.

*Next Meeting of the SENATE*

10 a.m., Tuesday, February 13

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Tuesday, February 13

## Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will resume consideration of H.J. Res. 20, Continuing Appropriations, at 2:15 p.m. and following a period of debate, vote on the motion to invoke cloture on the resolution at approximately 2:30 p.m.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

## House Chamber

**Program for Tuesday:** Begin consideration of H. Con. Res. 63—Disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq (subject to a rule).

## Extensions of Remarks, as inserted in this issue

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